

UNIVERSITY OF CALIFORNIA
LOS ANGELES CAPE OF GOOD HOPE.

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REPORT AND PROCEEDINGS

OF THE

COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

CATTLE THEFTS.



Published by order of the Legislative Council.

1863.

CAPE TOWN:
SAUL SOLOMON AND CO., STEAM PRINTING OFFICE.
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R E P O R T

OF THE

SELECT COMMITTEE appointed on the 2nd July, 1863,
to "Report on the Returns of CATTLÉ and SHEEP-
STEALING, and of the disposition of the MOUNTED
POLICE FORCE."

PRESENT :

Mr. GODLONTON (Chairman),

Mr. Reitz,
Mr. Wood,
Mr. de Wet,

Mr. Pote,
Mr. Wicht.

Your committee, in the discharge of the duty intrusted to them, have had the advantage of the evidence of Colonel Bisset, Deputy Quarter-Master-General, an officer who has served in the local corps stationed on the Eastern frontier for upwards of thirty years, and whose knowledge of the country and habits of the Kafirs and other natives is, therefore, as your committee believe, alike accurate and extensive. This evidence will be found to contain information of great interest and importance. They have also availed themselves of the evidence of Mr. R. M. Bowker and Mr. Stanton, both members of the Legislative Assembly, whose experience of nearly forty years on the Eastern border enables them to describe clearly the condition of the natives, and to state with precision what, in their opinion, would be the most effectual way of lessening, at least, the depredations on the flocks and herds of the inhabitants, so strongly remarked upon in the petitions to Council that have been referred to them, and that so earnestly pray for a corresponding remedy. The committee have further taken the evidence of the Honourable S. Cawood and the Honourable G. Wood, members of your Honourable Council, both of whom, from their position and pursuits on the Eastern frontier and in Kafirland, have been enabled to afford your committee great assistance, and to supply much valuable information on the subject of their inquiry.

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Besides the evidence thus afforded, the committee have been aided by the evidence taken last session of Parliament by a select committee of the Legislative Council, whose report, adopted by your Honourable House, contains the following recommendations: "That it would be desirable to present a respectful address to His Excellency the Governor, requesting him, first, to cause such instructions to be issued as shall secure the more rigid observance of Acts Nos. 23 and 24 of 1857, by officers who are authorized to issue passes and certificates of citizenship; secondly, that he will be pleased to cause a Bill to be prepared for either repealing the 14th clause of Act No. 27 of 1857, or so modifying it that Kafirs applying for certificates of citizenship shall be required to give full and satisfactory proof of previous good conduct. The effect of such action would, in the opinion of your committee, be to render more effectual the supervision of the frontier police, and lead to the greater security of life and property in the country districts."

In that report, the evidence of Sir Walter Currie, Commandant of the Mounted Border Police, is entitled to great weight, and, in the adoption of any remedial measure, may be consulted with the greatest advantage. This officer, in reply to a question as to whether it would be desirable to repeal the 14th clause of Act No. 27 of 1857, remarks: "My idea is, if I may be allowed to say so, that it would be best to repeal the whole Act. But with reference to this particular clause, in order to prevent the issue of these certificates, I think that portion of the Act should be repealed, for I look upon its provisions as dangerous to the colony. The Kafirs can demand them, and must have them, and I am certainly of opinion that it would be dangerous to allow all that come in at the that time to have such certificates granted to them."

The same officer also states, in reference to the certificates that have been issued to the Fingoes, that the effect has been mischievous, adding: "I consider that the certificates issued under that Act have been of no service whatever to honest men. They have not protected them from suspicion, while they had the very contrary effect upon rogues, in giving them all the protection that a thief could wish for." Sir Walter Currie states further: "I think more thieves have been detected with certificates in their hands than without them, though, of course, a great many are never found out at all."

This evidence, your committee remark, was given a year ago; since which period the crime of cattle and sheep-stealing has been alarmingly on the increase, as is abundantly shown in the petitions to your Honourable House, copies of which are appended to this report.

Your committee have also examined with great care the reports of the several resident magistrates in the eastern districts on the subject of cattle and sheep-stealing, all of which are corroborative of the complaints made by the petitioners, and establish beyond dispute the existence of a state of things which demands the most prompt and decided remedy.

Your committee have also examined with care the returns presented to your Honourable Council of all convictions for cattle and sheep-stealing by the judges on circuit during the last three years, and by the several resident magistrates during the last eighteen months. These returns give prominence to the fact of the great inequality in the punishment awarded for the crime in question, as well as to the wide discrepancy in the severity of the sentences. In respect to the sentences of the judges generally, the charge of undue leniency made by the petitioners does not fairly lie. There are a few apparent exceptions to this remark; but, as a rule, such punishment has been awarded as, but for other causes, would have met the requirements of public justice. The exceptional cases are where two or three months' imprisonment have been awarded for sheep-stealing, a punishment which, in the opinion of your committee, is so inadequate to the magnitude the offence, involving no consciousness of moral degradation, as to operate rather as an incentive to repetition of the crime than to its effectual repression. But, in the absence of the particular circumstances attending such cases, no failure of a due administration of the law can be presumed.

The same remark, in much greater force, applies to the sentences of the resident magistrates, which, as limited by law, are so light as to be utterly inoperative in the correction of an evil which has become so serious in its character and so widespread in its extent as to threaten the most dangerous consequences to the whole colony, and especially to the Eastern districts. The exceptional cases to this remark are where offenders have been sentenced on their own plea of

guilty, under the provisions of the Act No. 12 of 1860. The committee would draw the particular attention of Council to the provisions, as well as to the practical working, of this Act. The simple intention of it is to provide for the trial, by the respective magistrates, of such prisoners as shall plead guilty to the charge preferred against them. In such cases the preliminary examinations are transmitted to the Attorney-General, who is then empowered, subject to revision by a judge of the Supreme Court, to authorize the magistrate to pass sentence to the extent, as frequently happens, of two years' imprisonment, with hard labour. The result of this is, as seen in the returns presented to Council, that where an admission of guilt is made, it not unfrequently entails upon the culprit an imprisonment for two years', with sometimes corporal punishment; while, on the other hand, where no such confession is made, the country is put to additional expense in proving the case, while the offender escapes with simply a punishment of from one to three months only. This anomaly in the administration of justice is, in the opinion of the committee, highly objectionable, and, in its results, cannot be otherwise than detrimental to the public interests.

Your committee find that in forty-seven cases tried before the resident magistrates' courts within the eighteen months included in their returns, the criminal has been sentenced to corporal punishment, in addition to imprisonment, the number of stripes varying from twelve to thirty-six, but in no case exceeding the latter number. Spare diet has also been resorted to in numerous cases; but, upon the whole, the punishment has been light, and by no means such as to deter the offender from the commission of future crime.

Collating these returns with the reports of the several judges and magistrates, and with the evidence taken by your committee, as well as by that appointed in 1862, together with the statements contained in the petitions to Council, appended hereto, the committee would suggest the following remedial measures :

- 1st. The repeal or modification of the 14th clause of Act No. 27 of 1857, entitling Kafirs to certificates of citizenship.
- 2nd. Enlarging the powers of the resident magistrates in respect to sheep and cattle-stealing.

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- 3rd. The removal of the offender, if a Kafir, to as great a distance as possible from the scene of his depredations.
 - 4th. The more rigid enforcement of hard labour and of spare diet.
 - 5th. Making all future certificates of citizenship renewable every two years, and affixing to each a stamp, by way of registration fee, of ten shillings.
 - 6th. The careful registration of the issue of certificates, and the punctual transmission of periodical returns of the same to Government.
 - 7th. Greater care in the issue of passes to "native foreigners," and the requirement, when cattle and sheep are removed from place to place, under charge of such native, that the number and description of the same shall be endorsed thereon, and that the destination be specifically stated.
 - 8th. The police to be empowered to seize all cattle or sheep which may be found being driven by any native without having such pass, the same to be conveyed, together with such native, to the nearest magistrate or justice of the peace, for further investigation.
 - 9th. That no native convicted of crime shall be entitled to a certificate of citizenship, and that a conviction of crime to a holder of a certificate shall involve its forfeiture,—subject, in both cases, to confirmation by the Governor of the Colony.

Your committee are constrained to believe, from the evidence before them, that were regulations of the character they suggest adopted, the crime of cattle and sheep-stealing, now so alarmingly prevalent, would be greatly diminished, and that in proportion to the wholesome restraint that is put upon the wandering natives, will they rise in civilization, improve their own social condition, and be contributory to rather than destructive of the public welfare.

It appears to your committee that great misapprehension exists on the subject of the passes which may be granted to natives under the 11th section of Act 27 of 1857 (vide Appendix E), which section is substituted for the 2nd section of Ordinance No. 49. The pass referred to in that clause, though usually termed "a free pass," does not relieve the holder of it from the obligation of entering into service, nor does it permit him to wander at will about the colony. It is

simply a permit to enter the colony for the purpose of taking service therein, and it is provided by the 12th section of the Ordinance No 49 that if after the expiration of fourteen days from date he is found at large, he may be apprehended and passed, on refusing to enter into service, beyond the colonial boundary. Such pass is sometimes granted without stating on the face of it that the bearer is seeking service; and it not unfrequently is found that the holder of a pass of that character has been for years in the colony, roaming from place to place without any fixed residence, save, it may be, for short periods, at distant intervals, under the presumed protection of a pass which had, in fact, long since ceased to be of any force.

The committee are impressed with the fact that, this being a pastoral country, the due protection of the property of the farmers exposed, as it necessarily must be, is of the highest importance, and that the complaints they now urge upon the attention of the Legislature are entitled to the most serious consideration, and claim from the Government a prompt and decided remedy.

They conceive that the reputation of the Government, the safety of the country, and the welfare of society alike demand that the existing state of things, as described in the petitions hereto appended, should be decisively corrected; and it is consolatory to know that every measure adopted tending to that result will be promotive of the essential interest of all classes.

R. GODLONTON, Chairman.

Committee-rooms, 21st July, 1863..

PROCEEDINGS OF COMMITTEE.

Tuesday, 7th July, 1863.

PRESENT :

Mr. Reitz,
Mr. Wood,
Mr. de Wet,

Mr. Wicht,
Mr. Godlonton.

Resolved that Mr. Godlonton do take the chair.

Read order of Council, dated 2nd July, 1863, appointing Committee.

The Chairman submits the petitions from Bedford and Fort Beaufort on the subject of cattle-thefts, presented to the Council on the 19th June and 2nd July, respectively. (See Appendix A and B.)

The Chairman also submits the report of the Select committee on Kafir Passes last year, and reads the concluding, paragraph as follows:

“Your Committee, having carefully weighed the important evidence before them, are unanimously of opinion that it would be desirable to present a respectful address to His Excellency the Governor, requesting him: 1st, to cause such instructions to be issued as shall secure the more rigid observance of Acts Nos. 23 and 24 of 1857 by officers who are authorized to issue passes and certificates of citizenship; 2ndly, that he will be pleased to cause a Bill to be prepared for either repealing the 14th clause of Act No. 27 of 1857, or so modifying it that Kafirs applying for certificates of citizenship shall be required to give full and satisfactory proof of previous good conduct. The effect of such action would, in the opinion of your Committee, be to render more effectual the supervision of the frontier police, and lead to the greater security of life and property in the country districts.”

The Chairman further reads an extract from a minute of proceedings of the Council, dated 23rd July, 1862, as follows:

“Mr. Tucker moves, Council having waived notice, that the report on Kafir passes just adopted be transmitted to His Excellency the Governor, by respectful address.

“Mr. von Maltitz seconds.

“Motion put, and agreed to.”

Mr. Wicht moves: That the Chairman be instructed to give notice of a motion in Council, to the effect that an address be presented to His Excellency the Governor, praying that His Excellency may be pleased to communicate to the Council what

action has been taken by Government upon the address dated 23rd July, 1862, forwarding the report of the Select Committee on Kafr Passes, as adopted by the Council.

The Chairman reports that the cattle-theft returns referred to this committee are in the hands of the printer.

Resolved, on motion by Mr. Wood, that Colonel Bisset and Mr. R. M. Bowker be summoned to attend the next meeting of this committee on Tuesday next, at half-past 10 a.m., to which day the Committee then adjourns.

Tuesday, 14th July, 1863.

PRESENT :

Mr. GODLONTON (Chairman),

Mr. Reitz,
Mr. Wood,

Mr. Wicht,
Mr. de Wet.

Petitions from Peddie and Albany, referred to Committee by Order of Council, dated 13th July, submitted by Chairman. (See Appendix C and D.)

The Chairman also submits the returns referred to the Committee, as printed, viz. : Returns of convictions for cattle-thefts before Circuit Judges and Resident Magistrates (*Vide* document numbered C. 22—'63). Return of number, &c., Armed Mounted Police. (*Vide* document numbered C. 23—'63.)

Colonel Bisset examined.

Committee adjourns to to-morrow, at half-past 10 a.m.

Wednesday, 15th July, 1863.

PRESENT :

Mr. GODLONTON (Chairman),

Mr. Reitz,
Mr. Wood,

Mr. de Wet,
Mr. Wicht.

Mr. R. M. Bowker examined.

Mr. W. Stanton examined.

Committee adjourns to Thursday next, at half-past 10 a.m.

Thursday, 16th July, 1863.

PRESENT :

Mr. GODLONTON (Chairman),

Mr. Reitz,
Mr. Wood,

Mr. Wicht,
Mr. de Wet.

Honourable S. Cawood, member of Council, examined.

Honourable G. Wood, member of Council, examined.

Committee adjourns to Monday next, at half-past 10 a.m.

Monday, 20th July, 1863.

PRESENT :

Mr. GODLONTON (Chairman),

Mr. Wood,
Mr. Wicht,

Mr. de Wet.

The Chairman submits draft report.

Committee in discussion.

After discussion,

Committee adjourns to to-morrow, at 11 a.m.

Tuesday, 21st July, 1863.

PRESENT :

Mr. GODLONTON (Chairman),

Mr. Wood,
Mr. Reitz,

Mr. Wicht.

The Chairman submits the message from His Excellency the Governor (with enclosures), received yesterday in Council (*Vide* Appendix F), in connection with the proceedings of this Committee on the 7th July last. (*Vide ante*, p. ix).

Draft report again submitted, and, after discussion and amendment, agreed to ; whereupon

The Chairman is instructed to report to the Council accordingly.

MINUTES OF EVIDENCE.

CATTLE-THEFTS COMMITTEE.

Tuesday, 14th July, 1863.

PRESENT :

Mr. GODLONTON (Chairman).

Mr. Reitz,
Mr. Wood,
Mr. de Wet,

Mr. Pote,
Mr. Wicht.

Colonel *Bisset* examined.

1. *Chairman.*] You are Deputy Quartermaster-General, I believe, Colonel *Bisset*?—Yes.

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2. How long have you served on the frontier?—Since 1835, and have resided there over forty years, my earliest recollections, I may say, being connected with it.

3. You were formerly in the Cape Corps?—I am so still.

4. And you have seen a good deal of the frontier during your service and residence there?—All my service has been on the frontier; I served through the three Kafir wars which have taken place there since 1830.

5. Are you acquainted with the disposition of the Fingoes along the border; when I say disposition, I mean the localities in which they are placed?—Yes, I know pretty well where the locations are situated.

6. Will you be good enough to describe them?—There is a large location of them in the neighbourhood of Fort Peddie, the tribes being chiefly located in Victoria, extending from Newtondale up to Kamastone.

7. And from Alice?—The most northern chief settlement is Kamastone.

8. Will you be good enough to follow the line down?—I look upon them as being in three masses,—at Kamastone, about Alice, and in the neighbourhood of Peddie: at the latter location they extend on both sides of Peddie. The

Colonel *Bisset*,
14th July,
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chief branch settlements being at Newtondale, Gulana, about the Koega, and between it and Breakfast Vlei.

9. Are there not a great many Fingoes stationed along the Kaga from Heald Town?—Those I include in the neighbourhood of Alice.

10. There are a great number stationed along that line, are there not?—About Alice is one of their chief settlements. I look upon the greatest number as being in the Peddie district, and the next largest number in the Alice district. I do not speak from positive information, but merely from my own observation, and what I consider to be the case.

11. Are you aware whether the Kafirs intermix with these Fingoes?—Yes; since 1848 a great many have come into the Fingo settlements; numbers of the poorer Kafirs came in during the starvation and mixed in the settlements, particularly women.

12. Have intermarriages taken place between the Fingoes and Kafirs?—They do now. Formerly they did not; since so many Kafir women were introduced into their families the same distinction does not exist between them as it did before.

13. Are you aware whether these Fingoes still carry on their Kafir customs?—Yes, particularly about Newtondale, where one chief resides, who, with his followers, keeps up the savage custom of witchcraft, and the native habits they formerly practised. They circumcise and paint themselves (red); and not only do that, but they also carry on war-dancing, and the smelling out for witchcraft.

14. How are these Fingoes armed in general?—I should say as near as possible about one half have guns, and the other half assegais.

15. Do you consider that it is safe to arm them or to allow them to carry guns?—That is a difficult question to answer. We have always looked upon the Fingoes as faithful to us, and they have always been so up to the present time; but it becomes a problem whether their loyalty can be altogether trusted. Seeing their friendly intercourse with the Kafirs, we must now rather fear their being armed than otherwise. I do not, however, see how you can well deprive them of their arms without a cause.

16. Are you not aware that the Kafir chiefs have great influence over their people residing in the colony?—They have such, and always will have. There is a sort of nationality, you may call it, about the Kafirs that is almost incredible to

Europeans. It reminds me of the Scotch clanism of old. That is the only simile I can think of.

Colonel Bisset.

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17. Then do I understand you to agree with Sir Walter Currie in the evidence he gave before a select committee of this Council on Kafir passes, last year, which evidence I dare say you have seen?—I have glanced over it.

18. You are perfectly acquainted with Sir Walter Currie?—Quite.

19. In the course of his examination the following question was put to him: "Do you think, then, that these people are as much under the influence of their chiefs now as the first day they came into the colony?" To which he replied: "Yes, just as much so. The relation between them and their chiefs in this respect is not changed by service in the colony. Any one of the chiefs could get them all out of the colony by sending a message to them. When I was up the country last year there was a false rumour came up amongst the Kafirs of Kreli's tribe that Kreli wanted them. They had their gardens in cultivation, with everything just coming to perfection: but more than five hundred left their gardens and all that they had, and went back to their country. I state this just to show that they care for nothing when their chief makes a call. The missionary told me that it was the second time it had happened within three years."—I quite agree with every word said there, and am quite cognizant of the fact stated.

20. Then another question was put to Sir Walter by Mr. de Wet: "To what do you attribute this?" To which the reply was: "I cannot tell, but it was extraordinary indeed. Kreli had to drive them back again for fear of a famine, for it was merely a false rumour that had got abroad, as he had not called them."—Yes; I can quite understand their going back in this way. It is possible that some petty chief, ill disposed at the time towards the Government, might have sent this message, and it only shows their readiness to obey such a message, even when it comes without due authority from the great chief. It only goes to convince me the more of their readiness to obey a call.

21. Can you form a rough estimate of the number of natives residing along the line of boundary to which you have referred,—say from the sea to the Orange River, along that particular line?—You go beyond the Kafir frontier when you extend to the Orange River.

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22. Then say as far as Kamastone, from thence to the sea, along the border, including Lesseyton and other places on that line?—I am not quite so well acquainted with the number of Fingoes within the colony as with the Kafirs beyond the border; the latter have always been looked upon as our enemies, and therefore come more home to me for computing their numbers. I know the numbers on the border, adjoining the Fingoes—that is to say, in Kafirland, the Fingoes being on this side of the border; thus, including the Fingoes in the Crown Reserve, whom I look upon as part of the Kaffrarian population, the numbers on the immediate border are between 11,000 and 12,000 men.

23. Not more along the whole line?—I do not include the Fingoes in the colony. I take the Kafirs in Kaffraria, but adjoining the Fingoes who are in the colony. I should compute the Fingoes in the colony at, say, 10,000 men; that would make 21,000 men immediately on the border.

24. Capable of bearing arms?—Entirely so; the male population only.

25. You are acquainted, I believe, with the country from Sunday's River to the Keiskamma, and have moved through that line of bushy country?—Yes; most of the formidable Kafir holds are situated within those two limits; that is, strongholds which have always been occupied by the enemy during war, and from which we have invariably had to dislodge and drive them.

26. What do you consider is the extent of the country from Sunday's River at the Addo Bush, to the Keiskamma, including the forks of the Amatola?—It would embrace about one hundred and thirty miles square.

27. Of bushy country?—No, there are open spots; but, of course, it is all more or less bushy. In a straight line, I should say it was one hundred and thirty miles from Sunday's River to the Keiskamma, about the same distance from the sea to the limit of the Amatola, and perhaps thirty to Kamastone. Say between one hundred and thirty and one hundred and fifty miles square.

28. Each way?—Yes.

29. And the whole of that country is broken into ravines and scrubby bush?—Yes; there is the Olifants Hoek forests, the Bushman's River Poort, the Zuurberg, the Kowie Bush, the Koomse, the Fish River Bush, the Waterkloof, &c. These are the chief fastnesses the Kafirs resort to in time of

war. There are innumerable others, but these are the chief ones, the places of note during hostilities.

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30. And how is Graham's Town situated with regard to this bushy country?—It is situated about the middle of it.

31. Can you state, as your experience, that in cases of outbreak the Kafirs invariably fly into the bushy country to shelter themselves?—No doubt they always do that.

32. Are not the Kafirs termed by the other natives the "bush-fighters"?—Each particular tribe has its own cognomen in that way: there are the hill-fighters, the bush-fighters, the tigers, the wild-cats, &c. They have all names of that sort, to indicate their supposed qualifications. The chief of the wild-cats I saw the other day—Umhala, who is called Um-bosla, or the tiger-cat.

33. From your long residence on the frontier, are you not aware that these natives roam about the country very much, in all parts of the frontier districts?—That is one of the evils of the pass system; they can come into the country with a pass which enables them to roam about. They put forward the plea of seeking service; but what they really want is, to get into the colony; and when they are once in this pass becomes a protection to them, under cover of which they roam about.

34. Then, as far as your observation goes, the pass system as at present worked is very objectionable?—Yes; I think very much so. I quite agree with the recommendation made in Sir Walter Currie's evidence, that no Kafir should come into the colony, except such as want a pass after a specific engagement already entered into with some person in or from the colony. I would not let them come in with passes "to seek service," as they are in the habit of doing now. I think that natives from beyond the border, especially when we already have so many in the colony, should not be passed in except for this fixed purpose.

35. Are you acquainted with the working of the certificates of citizenship?—It does not come within the province of my duty, but I hear general complaints on the subject.

36. You are acquainted with a good many of the farmers residing along the frontier?—I may say I know them all, both Dutch and English.

37. Have you ever heard complaints of the mode of working these passes?—Invariably. It is the general complaint throughout the whole country.

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38. Have you heard frequent complaints of cattle-stealing of late, say within the last two years?—During that time stealing has been more prevalent. In fact, all the farmers complain that the whole of their profits from farming are eaten up by such losses. I know many wealthy farmers who have £10,000 embarked in farms and stock, who would willingly relinquish farming if they could realize and get six per cent. for their money.

39. Then you think, Colonel Bisset, from your long experience on the frontier and your acquaintance with the frontier inhabitants, that some alteration is necessary in the present law regulating the issue of passes and certificates of citizenship?—I certainly do, and to prevent the admission of more Kafirs into the colony.

40. May I ask what is your opinion with regard to the Mounted Police?—I consider them the most effective civil force the colony has ever had.

41. And do you think it prudent that, while the frontier is in such a state from cattle-thefts, a considerable portion of this mounted force should be employed in the Transkeian territory?—That is a delicate question, and one I would rather not answer, for I think it touches upon a military point. I look upon that force as part of the military organization of the country, and I would be sorry to say anything that might be construed into giving an opinion on measures sanctioned by my superiors.

42. Has that force in any way superseded the service of the Cape Corps?—Yes, in a great measure. They do now the patrolling the Cape Mounted Rifles used to perform in former days.

43. And do they carry military orders and dispatches?—I do not think they do. The Cape Corps perform that service. I never heard of their carrying military posts, certainly not; nor am I aware of their carrying dispatches, except their own communications.

44. They carry dispatches from the Commander of the Police, and thus keep open their own communications?—Yes. I have often met them carrying communications to stations of their own; and I think that, for the effective working of the system, it must be done, for when a robbery takes place in one locality, it must be communicated to the other stations, so that the thieves may, if possible, be intercepted.

45. Then a good many men are occupied in carrying

dispatches of this character?—I cannot answer that question, because I do not know what you mean by dispatches.

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46. Communications, I mean?—Communications, no doubt, are going on perpetually; but I look upon it that while a man is conveying such communications he is on duty, and is rather a benefit to the country than otherwise, for when these police are seen in different parts, it tends to put down robberies, because it is in a manner like a patrol. If, while men are out on this service, they fall in with thieves, they perform their police duties.

47. But was not this service, the conveyance of dispatches from one post to the other, formerly performed by the Cape Corps?—I think you have misunderstood me. They never carry dispatches from one military post to another. It is communications between their own stations that I alluded to.

48. But do not their own stations supersede the military posts to a great extent?—Certain military posts within the colony have been withdrawn; but the police are always changing their stations, as the protection of the country requires it.

49. Mr. Wood] You have stated that, to your knowledge, numbers of Kafirs intermix with the Fingoes: are they doing that in the ritual of marriage?—Yes.

50. And when you first knew the Fingoes and Kafirs, would such a thing have happened?—No; there was the greatest enmity existing between the Kafirs and Fingoes in former days. In fact, the Fingoes were then looked down upon, and the old name of Fingo means “dog;” but the case is now reversed. The Fingoes have become rich in comparison with the Kafirs, who now rather look up to them. The Kafirs no longer despise the Fingoes; they now consider themselves at least upon an equality, and there is not that feeling of ignominy attending any intermarriage with them.

51. Do you happen to remember that shortly before the last war overtures were made by the Fingoes to the Kafirs to join them?—Yes; I am quite aware of that fact.

52. Had that happened, would not the country have been much more greatly jeopardized?—Certainly; and we are liable to the same thing any day.

53. Then had the union of feeling between the two races been as strong in that day as it is at present, what, from your knowledge of Kafir policy, would have been the result in the event of the Kafirs wanting to make war?—I think that

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the Kafirs are always ready for war, and if the Fingoes would join them they would be certain to make war to-morrow. The Kafir has nothing to lose in time of war, he is rather benefited by it.

54. You say that you estimate that there are 21,000 armed Fingoes and Kafirs on the immediate border?—Yes; that is my computation.

55. Have we sufficient police in the country to keep them in check?—In time of war certainly not. You would require not only the military force in the country, but a strong burgher force in addition, to enable you to cope with the natives.

56. Why?—Because the Kafirs are now so much more formidable than they were in former days, from their acquired knowledge of the colony. They are residing in the country by thousands; and having seen everything, it will make them more expert and acquainted with our style of fighting. I think that coming in contact with our troops increases not only their knowledge of fighting, but their bravery. Habit has, of course, a great deal to do with such matters.

57. You have said that you have been engaged in three wars, so that you are able to speak with some correctness as to the power of the Kafirs. Do you esteem them a powerful nation in war?—None more so. I look upon a Kafir as a most formidable man. He is personally very brave; he has all the *nous* of a man who has had to exist all his life by his own resources; and they are, singly and collectively, more formidable than any men I ever met in my experience.

58. Supposing such a thing to happen as that the Kafirs meant once more to try the question with the colony, is there anything to prevent their entering the fastnesses in the Fish River bush whenever they think proper?—I do not see anything to prevent their doing so at any time.

59. How long would it take them to leave their country and be in those fastnesses?—The greater proportion of them could be in the Fish River bush in two hours.

60. Those now resident in Kafirland?—Yes.

61. And how near to Graham's Town is that Fish River bush?—From the Fish River bush the nearest point is about six miles, and from that point it runs parallel to Graham's Town, and therefore it extends along the whole line; but Botha's Hill, the nearest point, is about six miles.

62. The Kowie bush?—The Kowie bush is on the right flank of Graham's Town. You have to pass Graham's Town across an open country between the Fish River bush and the Kowie bush to get into the Kowie fastnesses; but still it is perhaps more formidable than the Fish River bush, because it is very rugged, has deep kloofs, and has large and high forests.

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63. Mr. *de Wet*.] Would not the fact of the Fingoes having at one time received ill-treatment from the Kafirs prove an eternal barrier between them, and so prevent their ever amalgamating into one people?—No, because things are now very different to what they were. In former days the Fingoes certainly received great ill-treatment. I remember, in the war of 1835, seeing dozens of women with their breasts cut out by the Kafirs. That was in the time of Sir Benjamin D'Urban. I myself brought the Fingoes out from beyond the Kei in 1835, *en route* to the Tzitzikamma, when the Fingoes fled to the English. Of course great barbarities were perpetrated upon them by the Kafirs before they could be rescued. The atrocities I alluded to happened at that time. The Fingoes, you must be aware, are the residue of tribes which emigrated from Natal when Dingaan exterminated most of the tribes in his neighbourhood. They fled then across the Amaponda country, and got among the Kafirs in great distress, and were made servants or slaves of. Now just the same thing has happened to the Kafirs; they have come among the Fingoes under nearly the same circumstances, or rather they did in 1848, during the starvation. The tables are thus entirely turned.

64. So that the Fingoes are no longer smarting under angry feelings of revenge for what was done to them?—No; the Kafirs have now rather a feeling of gratitude towards the Fingoes for receiving so many of their people during the famine; and it was during this time that the Fingoes married Kafir girls who came into their locations in great poverty. But, being fine young women, the Fingo men were very glad to take them as wives, their families or fathers not requiring the usual payment. It was a benefit to the Fingoes also, for they in that manner formed alliances with what was considered the aristocracy of the country.

65. Are not the Fingoes a somewhat distinct race from the Kafirs?—Not now; there used to be a slight difference. You could tell a Fingo formerly by a large hole in his ear.

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66. But not from any difference of features?—Not at all. They are perhaps slightly blacker than the Kafirs, but a black man in poverty always looks blacker. When he is fed up he becomes more of a copper colour, and more like a Kafir. The great distinction there used to be has worn out, and looking now at a Kafir and Fingo young man, you would not be able to tell the difference. In fact, the Fingo man would, perhaps, be the finer man of the two. There used to be a great difference of build, the Fingoes having generally smaller limbs; but now that they are well fed, you may say brought up in luxury, compared to what their fathers were, they have become the finer race of the two, more muscular, and I should say, on the whole, quite as tall.

67. There is, then, no reason to look for a return of their former angry feelings?—Not the slightest. They are perfectly one nation. Their language is the same, with but a few expressions differing.

68. I believe you stated just now that numbers of Kafirs entered the colony in 1848, during a time of starvation?—Large numbers.

69. So that their introduction is not mainly attributable to the policy followed by Sir George Grey?—No; many were introduced long before his time. But in 1848, large numbers were brought into the colony by Government. During the starvation time, a depôt was established at King William's Town, and as the starving tribes flocked in there they were passed into the colony under the auspices of Government. They did not make it compulsory, but Government allowed them to come in to save them from starving and death.

70. Would you altogether prevent the Kafirs coming into the colony, or would you only do away with the system of providing them with passes?—I would altogether prevent their coming in, except in the case of those who come for a specific engagement.

71. Why would you do this?—My reason is this: If a man goes in with a pass under the plea of seeking service, it allows him to go for an indefinite time, and roam about the country at large. He can carry no food, he enters without any property, and if he is to exist during the time he is seeking service, he must plunder. There is no doubt about it.

72. I believe you stated to the committee that a number of Kafirs are provided with guns?—No; Fingoes.

73. Where do they get them?—Well, we armed a great many of them during the war; besides, they are citizens, the same as you or I, and there is nothing in the law to prevent their buying guns.

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74. But do the inhabitants who have firearms sell them these arms, knowing, as they do, that they may eventually be turned against the colony?—That is a question I cannot answer. We only know they do get arms, but not how they get them.

75. Do not these arms very soon get out of repair?—If they belonged to the Government they would, perhaps, be all condemned; but with a native's knowledge and power of secreting himself in the bush, it does not become necessary for him to use his gun at long ranges. He creeps about in the bush and is always near you, and he has not the fear of a gun bursting that we have. We condemn our guns sometimes before they are unserviceable. Many of the Kafirs' guns would soon become unserviceable if much fired out of; but they do not use them except in war.

76. Are they not up to repairing their own guns?—They can get them repaired in the colony. Go to any armourer on the Frontier and you will always find pieces to be repaired.

77. Will they repair for the Kafirs also?—For all native citizens, yes. A Fingo citizen has as much right to have his gun repaired as any one.

78. Then, I presume they will also be able to provide themselves with ammunition by applying to anybody who sells powder?—I do not think any man can purchase powder, under the Ordinance, without a certificate from the magistrate.

79. But there is nothing to prevent his getting that certificate from the magistrate?—I cannot answer that question.

80. Under whose command is the police force?—Sir Walter Currie's.

81. But does he receive orders from the commander of the military force?—No.

82. He acts, then, upon his own authority?—From instructions received from the Lieut.-Governor and the civil authorities. I cannot answer positively, but I think he is not under the control of the military.

83. That part of the police force doing duty beyond the frontier?—Is entirely out of the military command of the colony.

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84. *Chairman.*] You remember the Kafir police, in 1850—51?—Yes.

85. That was an organized body, armed with guns and properly clothed by Government?—Yes; and most people had great confidence in them.

86. Do you remember how, when the outbreak occurred in 1851, the whole of that force turned against the colony, arms and all?—I cannot well forget it. They were in the Boomah Pass, where I was wounded, and deserted *en masse*, leaving us in great jeopardy. Not only that, but they came and attacked Fort White in column, as an organized body of troops.

87. With the arms we furnished them?—Yes; that is a melancholy fact.

88. You are aware, also, that there were military villages established by Sir Harry Smith along the border?—Yes; they were destroyed by the Kafirs at the same outbreak.

89. Their establishment was considered a defensive measure, I believe?—Yes; they were placed there with a view to the protection of the colony.

90. Many of them being old soldiers?—None but discharged soldiers were living there: they had taken their discharges for the purpose of settling in these villages.

91. You are aware that on Christmas-day, 1851, the Kafirs rose upon them suddenly?—Quite. It was that very Christmas-day after the affair at Boomah Pass, which happened on the 24th.

92. And that they destroyed most of the villagers?—As far as they could do so, men, women, and children.

93. The majority of the inhabitants?—Yes.

94. *Mr. Wicht.*] Did not the Kafirs introduced into the colony a few years ago take service in the colony as herdsmen, and so on?—Yes, they did; and I fancy they must have been some benefit to the colony; although there is one thing to be remembered, that these Kafirs when they came were in a starving state, and brought with them their families also, and if you got a herd you were obliged to take a family; and, therefore, the feeding of all this starving population must have been a great tax upon the country too.

95. Are not the colonists even still anxious to get these Kafirs as herdsmen?—I do not think so. The feeling is now more for white men; all who can are getting German families. When they can get a white man now, they will

not take a black one, because they cannot have confidence in him, knowing, as they do, that such black herd will have many friends in the country to whom he can pass stock without fear of detection. I have known this occur in hundreds of instances.

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96. I think you stated as one of the preventives for sheep stealing that Kafirs entering the colony should only come on a specific agreement?—I think so.

97. How could that be carried out: would not the farmers have to go into Kafirland themselves to select servants?—They can either do that or write to their friends to do it for them. There are very many Dutch farmers who have gone to Kafirland on the grantee system, whose friends reside in the colony, and these friends can easily write to them to engage a Kafir, when required, and have him passed from Kafirland to the boundary of the colony by the Kafirland authorities, and then the colonial civil authorities should take them over and send them on to the farmers who have applied for them.

98. Is there not a regulation in force that before these Kafirs go into service they must first show their certificate or pass to the magistrate, and get an endorsement from him?—If you send to Kafirland, the agreement ought to be made there before the magistrate over the Kafir location.

99. But I mean, has not a system been pursued for two or three years that whenever a Kafir comes into the colony he has to show his certificate to the magistrate, get an endorsement, and then seek service?—No; they used to roam about the country at large to seek service.

100. I will tell you why. I happened, at Plettenberg Bay, to see numbers of these Kafirs coming, and upon my wishing to engage them for some job, they said they had first to go to the magistrate and get his permission to engage?—That may be the case when a man who originally entered the colony to seek service had completed his first engagement; he then gets another pass for a stated time to seek further service. Such pass, I believe, has to be countersigned by a justice of the peace or magistrate before he engages.

101. I was under the impression that on coming into the colony they had to report themselves?—No. I think that another regulation would be very conducive to the protection of the farmers, viz., when a man's time expires he should be

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passed out of the colony again. There is a great latitude at present given when a man's time expires. During the period he has been in service he generally accumulates property in the shape of stock. He then goes about, it may be, looking for other service, and during his rambles he picks up more stock, and there is no check at all imposed upon him. I think that some law should be made that when a man's time of service expires his master should in some way be bound to state what stock he leaves with, and that the field-cornet should then have authority to pass him out and not allow him to ramble about.

102. You would then have something like the continental system of having these passes *viséd*. The man should report himself to the magistrate and have his pass countersigned? —Yes.

103. Mr. *Pote*.] How would you suggest that the expense should be covered: if field-cornets are employed in this way they must be paid?—They must be paid, and the Government should go to some expense for the purpose. It would be a very cheap proceeding on the part of Government, for the expense would be nothing, comparatively, in proportion to the loss of stock which the farmers at present sustain. You may say that all these losses to the farmers are indirect losses to the Government at the same time.

104. Mr. *Wicht*.] You have stated that the number of male Kafirs on the immediate border is 10,000 or 11,000; but these are not all provided with firearms, are they?—A great many of them, but you cannot say how many. You can tell from the official returns how many guns they are supposed to have; but a Kafir has that degree of cunning that he will not exhibit his arms, and the probability is that hundreds and thousands who are returned as having assegais have guns secreted in their houses or in some convenient place. You find them in hollow trees; when you are hunting for honey, you come to a tree and find a ramrod sticking out, and then, on search, a secreted gun. They hide their guns in this way till they want them.

105. My object in putting the question is to ascertain whether the law, which professes to check the sale of firearms and gunpowder, is, in fact, any check on the supply to the natives?—It is certainly a check with regard to the Kafir, but I do not think the check goes far enough with regard to the Fingoes.

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106. When these Kafirs find that their arms are out of repair, have they anybody to go to to get the repairs done, or do they try and do them themselves?—No, they very rarely do that. Theirs are not valuable guns, and if an arm becomes unserviceable, they look to war and getting others in their stead by murdering people. That is the way in which the greater number is obtained.

107. Are their firearms principally the old musket?—There are a great many Dutch guns among them.

108. Flint guns?—Yes, most of them are flint; but still, during the war, I know, that amongst Pato's tribe, in one action, nearly the whole of the Kafirs killed had double-barrelled guns.

109. Which they had acquired surreptitiously?—Yes.

110. Mr. Pote.] Would it be compromising you at all with your superior officers to state what you think of Graham's Town as a military position?—Yes, I am afraid it would.

111. Because you stated that Graham's Town is the centre of an intricate country, and I therefore wanted to get from you what you thought of it as a position?—It has been abandoned by order of my superior, and I would be very loth to offer an opinion upon the subject unless, called upon by higher authority.

112. Chairman.] Do you think it essential to the safety of the colony, and that part of the Frontier to which you have referred, that a careful registration should be made of certificates of citizenship and passes granted?—I think it very desirable that that should be done.

113. Are you aware whether it is done?—No.

114. Do you think it would be a good regulation to renew these certificates of citizenship instead of giving them in perpetuity?—I certainly do. I think they should be registered, certainly once a year, so as to prevent their changing hands.

115. And do you think there would be any objection to these certificates of citizenship having a stamp, say seven or ten shillings: do you believe the holders would feel aggrieved if these certificates and passes, being made renewable, had this stamp upon them?—I think that you would only get the man who really values his citizenship to come and be registered, and therefore, as the others would not do it, it would be a benefit, as their certificates would lapse.

116. You think, then, that it would be productive of great

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117. And what is your opinion with regard to the feeling of the people themselves: would the well-conducted among them object to such a regulation?—I do not think they would at all, but rather approve of it.

118. You are aware that there are a great many more Kafirs within the colony than those you have referred to as being on the boundary?—Decidedly. A large mass of Kafirs came into the colony in 1848. I am only talking of those on the locations in Kafirland.

119. Mr. Reitz.] If the Kafirs joined the Fingoes now, would their union be as dangerous as before the last Kafir war?—More so.

120. Do the Kafirs take Fingoe wives: you have already told us that the Fingoes take Kafir wives; but is the reverse ever the case?—Not so generally as with the Fingoes.

121. What do you think would incite the Kafirs to a war with the colony: on what ground would they attempt it?—The whim of the chiefs.

122. Would it be the mere whim of the chiefs, or would it not rather be the hope of recovering and re-occupying their former lands?—No, not so much the hope of recovering their lands, but the desire to gain by war.

123. Nor a feeling of revenge?—No; it would arise more from that feeling of restlessness a Kafir always has; and, besides, without a war no young man can become an “amadoda”—that is, a warrior. He must distinguish himself in war, otherwise he is only a boy (“quanqua”) till he has had a fight.

124. And does that same feeling exist among the Fingoes as well as the Kafirs?—It is, I should say, nearly as strong: the young Fingoes are also anxious to distinguish themselves in the same way.

125. *Chairman.*] Is a Kafir chief's power not partly derived from distinguishing himself in the field?—It is chiefly hereditary; but his influence is increased, knowing that all the young men would readily join him in a war with a view to become “Amadodas.” They are not such until they have killed a lion, or had a fight of some sort, and as there are now no lions to kill, they the more readily resort to the other alternative.

126. You know something of Moshesh, the Basuto chief?

—Yes, I know him personally, his strongholds, and his country generally.

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127. He is a very powerful chief, is he not?—He is the most powerful chief to the north, and he is becoming more formidable every day.

128. Are you not aware that he keeps up continual intercourse with Kafirland?—I am quite sure that he does so. Indeed, he has always done so; and he can now do it without any difficulty, his son residing, as he does, in what I call Kafirland,—that is, on the south side of the great range which divides the north from the south country.

129. Are you aware that he has great power over the Fingoes?—His tribe consists chiefly of remnants of the Fingoe tribes. He himself made his present tribe or nation.

130. And are you also aware that he could exercise great control on the Fingoes in the colony?—I have no doubt he could; from the national feeling that exists among them, he would naturally have very great influence.

131. Mr. *Reitz*.] Do they speak the same language?—Very nearly the same. The difference is the same as between the north and south of England. They perfectly understand each other.

132. Then you say that it is your opinion that in the granting of passes a specified time ought to be named, during which the party receiving the pass should be allowed to seek for employment?—I would not allow them to seek for employment at all. I would require a prior specific engagement before entering the colony.

133. But how would you manage in harvest time, when the Kafirs would only come in for a few months?—The Kafirs never come in for harvest. During harvest time they themselves have so much food that it is the time they do not go out. They live on their own crops, and whilst they have food in this way they will not work. That is one of the difficulties in the way of getting labour.

134. *Chairman*.] But in sheep-shearing time?—No Kafir ever comes in for this purpose. Natives that do come come more from the northern border, and are not Kafirs.

135. Mr. *Pote*.] What is the armed strength of Kafirland in effective warriors?—I should put down those in Kafirland, that is, in advance and in rear of King William's Town, at 18,000 men, including 2,000 in what I call Kaffraria Proper,

Colonel Bisset. Kafirs now in the Transkeian country. All these are capable of bearing arms.

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136. So that there is quite enough force there to keep the colony in a state of commotion and alarm, if necessary?—Always.

137. I suppose if there should be war again the Fingoe nation would not join, or, at least, only that portion would join having no property?—I should hope they would not join. The Fingoes have so far progressed in civilization—or, perhaps, not exactly in civilization, but in the accumulation of property,—a great many of them are now possessed of wagons. Persons like these, who have fixed property, would not readily join in war; but this can be said of the few out of the many, and situated in particular localities, too.

138. But the restless portion,—the younger part of the tribe?—I think many about the Peddie district would join in war; they have not progressed at all in civilization. About Newtondale and Jonquini's tribe, in particular, they paint red and do not wear clothes, and are, to all intents and purposes, as much savages now as when they were brought into the colony twenty-five years ago. They have not, I think, progressed a bit. They carry on their war dances, their native beer-drinking ceremonies, and all those other customs which go on in Kafirland.

139. And is no supervision exercised over these people at all?—Yes; they have superintendents in charge of locations, and there are missionaries in various parts, and immediately round the mission stations there are some who profess that they are Christians. You cannot, however, rely upon them in case of war, for then they turn round just the same as the rest.

140. There is no coercive force; I mean, nothing to keep them in fear?—No.

141. *Chairman.*] What is your opinion as to removing the Fingoes into the Transkeian country, giving them grants of land?—Every black man removed out of the colony adds to the safety of the colony; and numbers of them, no doubt, would go under the temptation of getting land there, which, for their purpose, would be the best description of land, being arable, and most productive in the way of corn.

142. But do you not think that if removed into the Transkeian country, or to a further distance from the country, they would combine there for invasion upon the colony?—I think

the most ill-disposed would remove—those inimical to Government rule ; and it is much better to look upon them even as an enemy there, than to have them on your households and all around you. You would then know exactly where they are, and in time of war, should it unfortunately arise, you could cope with them ; but when they are dispersed through your homesteads you cannot do so. They may set fire to your house any night now, which they could not do if removed beyond the Kie.

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143. Then you are of opinion, I gather from that, that Kafirs, Fingoes, or any other native foreigner, as we term them, on coming into the colony, should be obliged to conform to our customs?—Certainly.

144. And not allowed to carry on their own?—I am of opinion that if they will not obey the laws of the country, they should migrate ; give them a country where they will be able to carry out their own customs. If they will not obey the Government where they are, let them remove to a government of their own.

145. You think the safety of the colony and the maintenance of peace demand such a course?—I think so decidedly. So long as we allow their barbarous customs and ceremonies to be carried on, they will never progress in civilization. You must always look upon them as opposed to our Government if they do not conform to our customs and obey our laws.

Wednesday, 15th July, 1863.

PRESENT :

Mr. GODLONTON (Chairman),

Mr. Reitz,
Mr. Wood,

Mr. de Wet,
Mr. Wicht.

Mr. R. M. Bowker examined.

146. *Chairman.*] You are a member of the House of Assembly?—Yes.

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R. M. Bowker.

147. And have been so for the last ten years?—Yes.

148. You represent the district of Somerset?—I do.

149. And have resided there how long?—23 years.

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150. You are engaged extensively in farming?—Not at present.

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151. But you have been?—Yes.

152. For how many years?—For about 14 years.

153. At present [you reside in the town of Somerset?—
Yes.

154. Are you acquainted with the Frontier intimately?—
Yes, I believe my knowledge of the country is somewhat
extensive.

155. And you know the situation of the farmers generally?
—Yes; from what I have heard from the farmers I should be
able to give you some account of how they are situated at
present.

156. Are you aware that they have been suffering lately
from continual depredations by the natives upon their stock?
—Yes, I have been told so by a great many, and I have con-
tinual evidence of the fact. My house being situated near
the Somerset tronk, I constantly see parties under custody
of the constables, carrying either sheep skins or goat skins,
&c., with them to the tronk, evidently showing that they are
parties who have been brought in from the surrounding dis-
tricts for thefts committed upon the farmers.

157. What is your opinion with regard to the working of
the Acts regulating the issue of passes and certificates of
citizenship: will you be good enough to state it in as much
detail as you can?—My own opinion is that the Act granting
certificates of citizenship has operated almost directly con-
trary to what was supposed when it was passed. It has been
the means, I believe, of enabling natives to carry on their
depredations,—I may almost say under the sanction of law;
for they make use of these passes for the purpose of wandering
about the country and committing depredations upon the
farmers. I have not had any case brought to my notice
exactly. All that I state is principally from hearsay, as I
have not lately, since the issuing of these certificates, been
farming on my own account. I speak from the general com-
plaints everywhere, for you can scarcely go outside the door
but what you hear that some one or other has been suffering
more or less from the thefts of parties holding these
certificates of citizenship. Of course, there are many others
who do not hold certificates of citizenship wandering about
the country and living by stealing. At least they almost
entirely subsist by stealing, or by visiting their friends who
feed them, and who have no other means of feeding them
than by stealing from the farmers in order to enable them to

do so. There are very few of the natives within the colony who have any means of feeding their friends except it be from the rations supplied them by their masters, and these rations are not sufficient for them and the numerous friends who visit them. Consequently the only way in which I can possibly see that these people are able to feed these parties is by stealing the stock from their masters, killing it, and feeding their friends with it.

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158. Are you not aware, or have you not heard it generally reported, that these certificates are passed from hand to hand amongst the natives?—I have been told so by many parties, who say that they are often passed from one to another. In fact, I have been told that in the case, for instance, of a party often well known in the district, this party produces a certificate bearing entirely another name, and yet he will tell you it belongs to him, when he is known throughout the country by quite a different name. Now, in cases of that kind, I say it is very plain that these certificates have been obtained by such party for the purpose of enabling him to wander about the country with impunity.

159. Do you not think that it is a very bad practice that these certificates should be given in perpetuity?—I always thought so.

160. Then do you not think it would tend to the safety of property if they were renewable, say every year, so that the Government authorities might know who hold these certificates?—My own idea when these certificates were issued was that they should be renewable and pay a certain fee.

161. Do you think there would be any special objection on the part of the well-conducted natives holding these certificates of citizenship to be called upon to renew them in this way, with a stamp affixed?—I cannot think there would be any particular objection on the part of the well-conducted; but there so few I would call well conducted, that there will, I think, be objections raised by the great body of natives holding the certificates. Still, the well-conducted who hold them would have but little or no objection. I have heard some few of them say that these certificates were rather an injury to them than otherwise, as thieves and vagabonds were allowed the same privileges as they themselves were. I have been told by the well-conducted that they considered their own characters were quite sufficient guarantee for their behaving well, as most of them possess some property. To be

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subjected to this pass system they, therefore, thought was not necessary for them.

162. Then the best-conducted natives consider that the general issue of these certificates of citizenship brings, as it were, odium upon their characters by the abuses perpetrated by others?—It reduces them to the same level as the rogues.

163. Do you think, then, it would be a salutary measure were Government to recall these certificates and reissue them with a stamp affixed, renewable at certain periods?—I think if the issue of these passes were periodical, say every two years, perhaps it might be of considerable use.

164. Do you think it would tend to the safety of property by enabling the Government to know where the natives are, and what they are doing with their certificates,—a security that these were not improperly exchanged?—Yes; I think there should be something of that sort, with a proviso, also, that parties not bringing them with them to get them renewed within a certain time should forfeit them. I do not know that it would be necessary for the parties to go to the issuing magistrates who had originally granted the certificates; that might prove very inconvenient. The natives are a wandering people, and, perhaps, it might be sufficient if they were required to go to some other magistrate, and so save the inconvenience.

165. But would not that inconvenience be obviated if the Governor were to appoint by proclamation certain persons in the different districts to renew the certificates?—Yes; I think it would.

166. Officers who would be obliged to register the certificates and make a regular return?—Yes; I think that would meet the end in view.

167. What is your opinion with regard to the pass system, irrespective of the certificates of citizenship?—My opinion of the pass system, generally, is that has been carried out in a very lax and improper manner. Passes are granted under very frivolous pretences. I had a short time ago in Somerset a party from Kafirland, who came to me to say that he was come to look after his sister, whom he wished to take back to Kafirland. Upon inquiry, I found that his sister was in my employ as cook, and I immediately went to the kitchen and asked the woman if she knew anything about parties having come to take her back to Kafirland. She was struck with surprise, and said she knew nothing of it, nor did she wish to

go. I said, "Two men are outside to take you to Kafirland." She replied, "Master must take them to the magistrate. I do not want to go. I am well satisfied with my place. I never communicated to any one in Kafirland a wish to go back, and, therefore, I shall be very glad to get these men sent away, for I do not wish to leave your service, and these men have no business here." Now, I think that fairly proves that this pass had been granted upon a very frivolous pretence, and these men upon leaving Somerset had an opportunity when they went back of taking stock to any amount with them.

168. Can you say who issued that pass?—Mr. Taylor, of British Kaffraria.

169. Mr. *Reitz*.] Was the woman these men's sister?—She said no, she was not.

170. Then supposing she had been their sister, and they had got a pass, intending to fetch her, but that she had changed her mind—suppose, when they came, and would not go, there was nothing to prevent these men holding the pass to commit the same robberies that they otherwise would have done?—No, they had passes for entering the colony, and would have to go back, and could take the opportunity of stealing.

171. I mean, would they have been able to obtain such a pass as that under pretence of seeking their sister; and how would you prevent such a pass being granted?—The only way would be that Government should issue stricter orders to the magistrates in Kaffraria about the issue of passes.

172. But even supposing a magistrate wished to be very strict in the case you have described, how was he to know: these men said they wished to go into the colony to get their sister?—The magistrate might have taken that as a good reason for their going.

173. And how would you prevent the magistrate from giving such a pass?—I think that, in such a case, the magistrate ought to make some inquiries, although it is extremely difficult to get anything like a proper statement from these people, because when they wish to enter the colony they are not particular about the statements they make to a magistrate, and, therefore, the difficulty is one that is not easily got over.

174. *Chairman*.] You are a justice of the peace, I believe, for Somerset East?—Yes.

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175. Are you aware whether any registration is kept of passes issued?—I believe there is a registration kept in the magistrate's office, but I have not seen it.

176. You cannot, then, state certainly?—I cannot say whether it is really the case or not.

177. Do you not think it very essential that such a registration should be kept?—I think it very necessary that something of the sort should be done.

178. Do you not also think it very necessary that a communication should be made to the different magistrates when a party obtains a pass to go from one district to another, so that the magistrates should know who have passed into their districts?—I do.

179. You are acquainted with the mounted police, I believe?—Well, I have not come in contact with many of them, as they are mostly employed in other districts of the colony, distant from where I reside; but occasionally parties of police have been in the Somerset district, and then I have had an opportunity of seeing the very salutary effect upon the natives which they made by their appearance there.

180. For what purpose have they been in the Somerset district?—They have come, at times, to take up stragglers, or those who were out of employ or held no passes.

181. From your extensive acquaintance with the Frontier, are you not aware that the,—I may say indiscriminate and loose issue of passes—interferes materially with the services of the mounted police?—I consider that that has been one of the greatest hindrances to the operations of the mounted police that has yet taken place. I have had communications from my brother, who holds a situation as inspector of police beyond the Kei, and he tells me that their operations are almost entirely of no effect from the passes which they find these people possess.

182. Is there anything you could suggest as an improvement of the present system?—I suggested to a committee of the Assembly, some time ago, a plan which I thought would be of use in restraining the habits of these natives; and I also stated it, I think, in my former evidence before a select committee of the Council.

183. You say you have a brother serving in the police beyond the Kei. What is your opinion with regard to the disposition of that force beyond the colony? Do you think

it of advantage to the colony, or otherwise, that they should be so far removed from the colonial boundary?—They are removed to a considerable distance from the colony; but I do not think it is a disadvantageous position for them to occupy.

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184. I mean in reference to the colony?—The colony extends, in Queen's Town and Albert divisions, close to the Transkeian territory. British Kaffraria proper intervenes between the colony and where the police are stationed; but at the same time I always look upon British Kaffraria as a part of the colony, although it is under a separate Government; and, therefore, I look upon the police stationed beyond the Kei as in not a bad place for preventing depredations. In fact, were it not for the parties passing out and in holding these certificates of citizenship, it would be a very excellent place for the police; but our pass system and issue of tickets of citizenship destroy the effect of their usefulness there.

185. Are you aware of the conditions on which the grantees of Queen's Town and South Victoria hold their lands?—I cannot say I am acquainted with all the particulars, but the principal one is that they hold their lands upon the principle of the defensive system—that is, each grantee is liable to be called at any time to assist in the repression of any enemy that might invade the district.

186. Are you aware whether those conditions are strictly observed?—I am not aware whether they have been strictly carried out. I have heard that some of the grantees have sent, instead of themselves, armed and mounted coloured men. I do not know that any part of the conditions forbids this, but still I do not think it desirable to send coloured men, Kafirs and such like, to represent armed grantees of this description.

187. You think it would be dangerous to the colony in case of an outbreak?—Yes; it is creating a false appearance. Supposing that three or four hundred men mustered at Queen's Town or Victoria, and one-half of them were coloured men, you could not say if such a force were called out at any time for the defence of the district, in a case of emergency, depend upon them, as the coloured part of it could not be relied upon.

188. Then you are of opinion that the condition of the grant, as far as this point is concerned, should be strictly

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observed?—I think so. I may say that there is anything in the conditions for preventing a grantee from sending a coloured man as an armed follower; but I myself do not approve of it.

189. Mr. *Wood*.] What effect do you think it would have upon the natives who hold these certificates of citizenship, if, upon being convicted of stealing, they should be deprived of their certificate for ever?—I think it would deter many of them from stealing, for they place considerable value on these certificates, as they enable them to go about the colony without let or hindrance; and if they were, on committing an act of theft, to be deprived of their certificates, it would be felt as a serious loss to them.

190. Do you think the native would look upon it as a hardship, assuming the suggestion you have just made were adopted, to have to renew the certificate for two years, paying a fee of ten shillings on such renewal?—He would perhaps consider it a hardship to have to pay ten shillings,—in fact, if he had to pay anything he would consider it a hardship, as the certificate has, up to the present time, been given free of expense, so that any tax on them now in this shape would not be received with anything like satisfaction.

191. Would it have any beneficial effect upon the colony?—I think that if such a regulation were acted up to, if fewer certificates were granted, and all those issued charged for, the result would be beneficial to the colony. In fact, that has always been my opinion, that the certificates of citizenship should have been paid for upon issue.

192. Mr. *Wicht*.] Are the colonists very anxious to obtain the services of these coloured people, whether Kaffirs, Bastards, or Hottentots, as herds?—These are the only people almost that you can obtain as servants, and therefore they are the servants almost every one employs. Some farmers have a few European servants also, but they do not like to send them out with their flocks. They prefer sending a coloured man in most instances; but I believe it is more from the insecurity and danger the white man would be exposed to in tending the flock than from anything the farmers have against them in any other respect.

193. I am led to ask the question because one witness under examination last year said that some of the farmers and field-cornets would not carry out the instructions as to passes, &c., strictly because they were afraid of having a difficulty

then in getting servants. Now, do you concur in that view or not?—No; I think if the passes were taken from these people, and they were thus obliged to work, the farmers would get more servants, instead of fewer. It is from the easy manner in which these passes are obtained that these people are enabled to ramble about the country and live without working.

194. Cannot one Kafir, not holding a pass, easily substitute himself for another holding a pass, and thus go under his name, owing to the similarity of appearance, which makes it difficult to distinguish one from the other? One may call himself Xoxo, and another some other name; and on the magistrate giving a pass to one individual he hands it on to another: how would you prevent that in issuing your passes?—There is a great difficulty, as you say, in distinguishing one coloured man from another. I know that what you have referred to is done, and, from what I have been told, I should say it is done with impunity and is very easily effected.

195. With regard to a stricter enforcement of the law, would you give more power to the field-cornets and magistrates, or some other special officer appointed to take his rounds and inspect and call for passes, to see whether the parties holding those passes answer the description therein given of them?—I do not see how that could be carried out myself. It would entail a very considerable expense. I rather think the plan suggested just now, of a renewal of passes upon a fee, would be the best means of preventing anything of that kind.

196. I think you suggested that a register should be kept in the different divisions where the passes are issued. Do you not also think it would be a very good plan to send a copy of the passes to the different magistrates of the districts to which these natives wish to go to seek service, so as to enable them to compare the passes in possession with those issued?—Perhaps that might be some use; but I cannot exactly answer that question at present.

197. From your experience, do you think such a system could be carried out? Suppose a Kafir man from Kafirland goes to Somerset to seek service, or to fetch his sister, or whatever else it may be, he merely at present carries his pass with him; but if the magistrate issuing the pass in Kafirland were also to send to the magistrate at Somerset a copy of the pass, the Somerset magistrate could see, could he not, whether

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the holder was the same man?—The party when he obtains a pass in a certain district will not even take the trouble to go to the magistrate to get the pass renewed. You often find these people possessed of passes wandering about, although the date of their passes has expired, and, considering these passes as still useful, they do not go to report themselves to the magistrate.

198. Then they need not go to get an endorsement in the colony? Suppose when a man leaves Kafirland he gets a pass; when he arrives in the colony is he not bound to report himself to the magistrate and get his endorsement?—If he wants extension of time; but many of them consider that when they get the pass they can wander about under that same pass, without again going to any magistrate.

199. Without endorsement?—If a party is found by the police, and the term for which he has entered the colony has expired, they take him up as matter of course; but when taken up they are brought to the magistrate, and often put in the tronk, where they are well fed till such time as some party applies for them as servants.

200. I understand, then, from your answer, that this pass issued in Kafirland gives a man permission to travel over the whole colony, to go into the different districts, and, in fact, to go where he likes?—It does not give him leave, but he takes leave. Having obtained a pass, and not being able to read it, he looks upon it as a licence to go where he pleases. This I have often found to be the case within my own knowledge.

201. What may be the number of these passes issued in the course of a year to these Kafirs?—I have no idea what the number is, but I should say it is something considerable.

202. Mr. Reitz.] Do you think the Kafirs and Fingoes who are settled in locations within the colony more dangerous than they would be if settled beyond the boundary of the colony?—I consider them more dangerous in the colony than if settled beyond.

203. What are the wages of native and European herdsmen. You say there are very few European herds; but from what you know of cases in which they are so employed, what are the wages given in your part of the country, with or without rations?—I do not know of any party who keeps servants, whether natives or Europeans, without supplying them with rations.

204. What are the rations allowed to the natives?—A

quart beker of corn and two pounds of meat, but in many cases very much more. The meat is often not weighed at all, the shoulders and ribs being just cut off, and divided amongst them.

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205. And these men's wages, besides, are?—From 6s. up to 12s. per month.

206. Have they any other advantages, such as that of being allowed to keep stock and cultivate a garden?—Yes; they are allowed to run on the farm whatever stock they may have, and also cultivate pieces of land fit for the purpose; but on some farms there is no cultivated land.

207. Now, with the wages and rations you have mentioned, what quantity of stock have you known these herds allowed to keep besides: what is the utmost limit?—I have never known any limit, but I know that some farmers have had servants with so much stock that they have been obliged to make them sell a part, or be under the necessity of turning them away if they would not sell.

208. But what is the quantity of stock they possess?—I know of no limit.

209. But what, I mean, can you recollect as the greatest quantity you have ever known allowed to people residing as herdsmen on farms?—I have known a native have 600 sheep, a span of oxen, and six horses, besides a number of goats.

210. Were they allowed other wages also?—The party to whom I allude had £1 a month besides.

211. Was he a Kafir or Fingoe?—A bastard Hottentot.

212. But I am speaking now of Kafirs or Fingoes. What is the largest number you recollect a Kafir or Fingoe being allowed to keep on the farm, besides the wages and rations you have mentioned?—I cannot say.

213. I want to know what these men's real wages are, for very often a small sum is named as being the wages, whereas there are sometimes other advantages enjoyed. What, then, would you in your time, as a practical farmer, have thought the proper thing to allow a Fingoe or Kafir herd to keep on the farm besides receiving his wages and food?—I have allowed to be kept on my farm as many as twenty head of cattle by my Kafir herds; but I never would allow them to keep sheep or goats.

214. What is your opinion as to the punishments now inflicted for sheep and cattle stealing?—My opinion is that it is insufficient. It is considered as no punishment at all

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by the natives. They laugh at all our punishments. In fact, we no sooner find a man liberated from his term of confinement, whatever it be (whether by the magistrate in tronk for a short time, or by the circuit court in the convict gang for a longer time), than we see him reappearing on the scene as a depredator.

215. What improvement do you think should be recommended?—My own idea is that there should be solitary confinement and spare diet given as sentence by the magistrate, and also corporal punishment.

216. Would you recommend corporal punishment for the first offence?—Most certainly. I think it a great mistake not to apply the lash for the first offence.

217. You speak of depriving these natives of their certificates of citizenship: would you deprive all indiscriminately, —those who had committed large thefts, and those who had committed smaller thefts, for instance, stealing one sheep and stealing twenty horses?—Any theft should subject a man to the loss of his certificate, in my opinion. The other punishments, of course, should be awarded according to the magnitude of the crime.

218. You have said that what you expected to be the result of granting these certificates of citizenship has not been actually the result that has shown itself. What did you expect?—My own idea was, when the law was first promulgated, that the certificates of citizenship would be confined to respectable people whose home and locality were known, who had, in fact, become citizens, as it were, and not wanderers or vagabonds.

219. Are the thefts which shepherds connive at or carry out by themselves not easily proved?—There is no great difficulty in discovering them, but I believe the insufficient punishments given, when a case of that kind is brought to the notice of the magistrate, acts as a check upon the farmers bringing their servants to justice.

220. Who are the natives who can claim certificates of citizenship in perpetuity?—I believe the Fingoes are principally the parties who have that right. They have been a long time in the colony, and, in fact, are almost part and parcel of the inhabitants.

221. Upon what ground can any man, Kafir or Fingoe, now by law claim a certificate of citizenship?—After residence in the colony for five years, I think.

222. Do you think the people on the frontier would have

very great objections to pay, in part, for an addition to the local rural police?—I do not think they would. I think they would rather be taxed for it than for anything else that I am aware of.

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223. Do you think, then, that a tax in proportion to the quantity of stock held by each man would be a just one for that purpose?—I do not know. I think they would be willing to give something towards defraying the expense; but what they might consider just I am hardly able to say.

224. But would you consider it just, seeing that the loss is from thefts of stock, that if anything in the shape of a tax is laid on for the purpose mentioned, such tax should be apportioned to the quantity of stock held and protected?—I think that would be the only right and proper way of carrying it out, each pay according to his ability for the establishment of a certain number of police. Without a change in the present mode of administering justice, the police would be of very little service, even if such an addition to their numbers were made.

225. Supposing all the natives, Kafirs or Fingoes, removed beyond the limits of the colony, would this be an advantage or otherwise to the farmers generally, or could the frontier farmers do without such labour altogether?—They could not do without such labour.

226. And, therefore, it would be a disadvantage if these natives were removed beyond the colony?—Yes; my only objection to the natives being in the colony is that they are allowed to congregate in locations within the colony. These locations are objectionable, I consider; but to have natives in the colony is certainly indispensable at present.

227. If there were no locations, do you think there would be fewer thefts?—Yes.

228. Why?—The locations are the very places to which a large number of the thefts are traced. They live in these locations apparently without any means of subsistence.

229. Do Kafirs ever come into the colony to labour in the harvest and sheep-shearing seasons?—Yes.

230. For short periods?—Yes; you find them with passes to that effect.

231. Mr. Wood.] What is your opinion of allowing natives to squat upon the different farms in the colony?—I have always looked upon it as a highly objectionable proceeding on the part of an owner of a farm, to allow a number of

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persons to squat in this way ; it has always been considered one of the greatest evils to the farmers.

232. Will you state why ?—The farmers allow these people to squat upon their farms, working for them occasionally when they require their services. These squatters have no large amount of stock or anything of that kind to subsist upon, and it is almost invariably found that they subsist, or partly subsist, by stealing, not exactly from the surrounding farmers, but by wandering away some distance off, and there committing these depredations. They generally respect their adjoining neighbours, but wander to the farms beyond, and steal.

233. Then do you think, from your practical experience, that if there were an enactment punishing persons from allowing squatters to remain on their land, much complaint that is now in existence would be done away with ?—I think that a good deal of the stealing that now takes place could be prevented in that way, by preventing persons, by law or otherwise, from keeping these squatters upon their farms.

234. You have also stated that there would be a difficulty in defining a native. Would there be any more difficulty in describing a Kafir man or woman than in distinguishing a horse or beast : are there not peculiar distinguishing marks of feature, something about every individual, which might be described shortly in a pass ?—It is generally done, as far as practicable, in the passes now issued. They say a man is so many feet high, colour black, age about so and so, of such and such a tribe, and so on ; but I think, if a Kafir were to take over a pass from another, it would be a difficult matter for any party meeting him, from the description given in the pass to tell whether he was really the right and proper man spoken of in the pass.

235. Did you ever see two natives alike ?—No, I never did ; not exactly alike. There is in many cases so great a resemblance that many a man unacquainted with the party holding the pass meeting such party on the road would not know from the description in the pass whether its holder was the original holder or not. In some instances the party is easily recognized if the party who reads the pass happened to be acquainted with either the party then holding the pass or the one who formerly held it ; but these instances are very rare, I think.

236. Is the stealing of stock carried on in small or large quantities?—I believe it is principally in ones and twos, stolen for the purpose of food either for the friends calling upon the shepherds or the shepherds themselves.

237. You do not, then, happen to know of cases in which 20, 40, 100, perhaps even 200, have been taken away at once?—Not in my neighbourhood.

238. You are confining your remarks, then, to your own neighbourhood?—Not altogether; but it has not come under my immediate notice that any small lots of sheep have been driven away. I have heard parties state that they have lost small lots of sheep, but was not myself at the farms when this took place.

239. Mr. *de Wet*.] Do you not think it extremely difficult so to limit the right of proprietors of land so as to prevent them from allowing persons to live upon it—call it squatting or whatever else you like?—Yes, I consider it an extremely difficult question because a man holding property is supposed to have a right to do what he pleases with his own property, and let any one he chooses occupy it.

240. And do you not think it would lead to more stealing and other crime if the proprietor were to exact hire from the Kafir; either in labour or money?—I think if the party allowing parties to squat on his farm were to exact a certain hire, that would have no effect of repressing crime, but rather increasing it. If the squatter were required to pay a certain amount to the farmer, he would have to steal to that amount to pay him with.

241. We had it yesterday in evidence that the Fingoes are pretty generally provided with firearms. How is it with the Kafirs; are they also so provided?—They are not allowed to purchase firearms.

242. Am I right when I say I have seen different complaints that they are in the possession of firearms?—I believe those who have certificates of citizenship, and are parties well known in the neighbourhood and town where they reside, purchase firearms, but I do not know whether the law allows it or not. The law does not define exactly who should and who should not purchase firearms.

243. But, as a matter of fact, are you aware that people in the possession of firearms and ammunition do really sell them to Kafirs on the frontier?—I have seen one or two instances myself. In the town where I come from, a Kafir, a

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well-conducted man, with a wagon and oxen of his own, purchased a rifle in a store, giving forty pounds for it. This occurred just before I left Somerset. Now that man may not wish to make an improper use of the rifle, but still I could not help remarking when he purchased it, that it was something extraordinary that a man with limited means should pay so much for a gun.

244. Do the Fingoes exercise the right of franchise: are their votes taken at the election of members?—No.

245. They are living within the boundary of the colony, are they not?—Yes.

246. They are not, then, registered voters?—No; I am not aware of any Fingo who is.

247. Do they not take an interest in the matter?—At present none of them are registered, because, I think, they have not been living sufficiently long within the colony to enable them to vote; but in a short time they will be entitled.

248. But have we not heard that there are some of them who have been living here since Sir Benjamin D'Urban's time?—Yes.

249. I am aware that the Fingoes are proprietors of land; but are there many Kafirs who have become landed proprietors also?—Not many that I am aware of; there are a few who are landowners.

250. You are not aware whether they buy land extensively?—Some few have bought land. Some of the well-conducted have some even purchased in the different townships. Two or three Kafirs have small building lots in Somerset.

251. But not of any extent?—Large enough to build upon and to have some over as garden ground,—a piece of ground of, say, half an acre.

252. Do they keep cattle upon it?—They become entitled to keep a certain number from having this erf. Each erf carries with it a right to graze a certain number of cattle upon the commonage: but that is a provision of the municipal regulations, which, as far as the town in which I live is concerned, is not carried out with any degree of strictness. Parties are allowed to graze their cattle almost indiscriminately.

253. In the event of any hostilities taking place between the inhabitants on the border and the Kafirs, is there not

every fear that these Kafirs now within the limits of the colony will join against it?—I think there is no doubt of it.

254. Their attachment is not so strong towards the colonists that they would altogether forget their clanship?—The only attachment to the colony they have is to its beef and mutton.

255. No other?—No.

256. *Chairman.*] Have you anything further to suggest?—You asked me if I had any plan as to Kafirs entering the colony, and I said I had suggested something to an Assembly committee. If it is thought necessary I should suggest anything of the kind to the committee I can forward a copy of my evidence then given.

257. Or would you wish to furnish any additional memoranda: the committee would be very glad to receive them?—I may mention that my plan is described somewhat in the following extract from my evidence before the Council Committee on Kafir Passes last year: “136. *Chairman.*] Is there any other remark you would wish to make. The object of the committee is to arrive at some desirable mode of action?—I think I have already stated all that I could recommend in the matter; that the Act in regard to certificates should be done away with, and also the other clauses providing for the issue of certificates after the lapse of five years to those who came into the colony during the famine. An idea I also have always had was that there should be certain roads by which Kafirs should come in and go out of the colony, being allowed to make use of no other roads. For instance, let there be three or four main roads fixed for this purpose, and let any Kafir found out of these roads be taken up by the police. Such a plan would, I think, facilitate the working of the police and the detection of natives travelling unauthorizedly within the colony.”

258. Are you still of that opinion?—Yes.

259. *Mr. Reitz.*] Do you think that, to save the expense of keeping these natives in gaol, they could be assigned to work for the farmers without pay for a certain period of time?—I think there would be some difficulty in carrying that out: they can so easily run away and leave the service that I am afraid it is not a plan that could be carried out satisfactorily.

260. *Mr. de Wet.*] The Kafirs are good labourers I believe, and work well with spade and pick?—Some of them are very good hands, but they do not like work.

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261. They are strong enough to be employed on the breakwater, or public roads, and so on?—I think if, instead of the lax mode of punishing natives, some other plan were adopted, such as that of sending them down here to the breakwater, it would be beneficial both for them and the colony, and save an immense amount of expense for free labour, which would be a great thing for the Harbour Board and the Government.

262. *Chairman.*] Then you think that giving the power of removing offenders of this class from the frontier, in case of conviction, would have a very salutary effect in stopping cattle thefts?—I think so; but I also think that the term of punishment for sheep-stealing should be lengthened. I would not sentence any man for sheep-stealing *for less than three years*. Formerly in England, and not very long ago, the punishment for this class of thefts was hanging, and our very lenient mode of dealing with this sort of crime is likely to make the natives worse instead of better.

263. Then one of your remedies, I understand, is removal to a distance in case of conviction?—Yes; and not less than three years' hard labour for sheep-stealing.

264. *Mr. de Wet.*] And will the salutary effect of such removal be confined to the individual removed, or will his being sent away also have a moral effect on the Kafir nation generally, knowing, as they all will know, that such will be the punishment attaching to the crime?—I think it will have a good effect upon the whole people. Missing their companions for so long a period, they will not like to undergo the same punishment themselves.

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Mr. W. Stanton. 265. *Chairman.*] You are a member of the House of Assembly?—Yes.

266. And reside at Fort Beaufort?—I do.

267. How long have you resided on the frontier?—I should say forty-two years.

268. You have been contractor for the supply of the military?—Yes, for several years.

269. And you have had continual intercourse with the farmers upon and beyond the border?—Perhaps few have had more, taking the whole border, from the sea upwards.

270. And you still have continual intercourse with them?—Constant, with the farmers, from the sea up to beyond

Queen's Town. Owing to my family being so scattered, and my visiting them at different places, it causes me to travel a great deal.

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271. Have you heard, or do you know, that thefts of stock by the natives are very prevalent?—They have increased to a most alarming extent, and are going on increasing.

272. To what do you attribute that?—I attribute it to the love the natives now have of acquiring sheep, and their propensity for devouring food occasionally.

273. You have heard the evidence given by Mr. Bowker since you have been in the room?—Yes.

274. Do you concur with him in general?—I pretty well concur in all that has fallen from him; there may be some difference of opinion between us, but very trifling. In one thing I would differ with him, and that is, that although I quite agree it would have a salutary effect if, after conviction, the natives were far removed from their friends and country, still I think I would not apply this on the first conviction.

275. Is there any remedy you would suggest for the improvement of the present system?—The remedy I would suggest is, making a very great alteration indeed, and, if possible, depriving the natives who now enjoy them of their certificates of citizenship. I believe that to be one of the greatest evils ever inflicted on the frontier, as the police, with all the activity used by them, become totally ineffective in consequence. In fact, I have heard it expressed by several of the superintendents that they may just as well stop at home as patrol in search of vagrants, as every native they meet is never without a pass. If he has not one of his own, he hires or borrows one from his friends.

276. Then you think that if the certificates of citizenship, instead of being given in perpetuity, were made renewable, it would have good effect?—I think it would have a very good effect indeed; and I think it would be the means very soon of limiting the number issued, and also of enabling the magistrate to keep a register.

277. Are you aware that on the frontier certificates of citizenship and passes to native foreigners are very much confounded with each other?—They create a good deal of confusion, and especially the indiscriminate issue of the passes. It frequently happens that I am at the magistrate's court, and I have seen numbers, I may say scores, of passes given by those authorized to issue passes in different parts of

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the colony upon the most frivolous excuses possible to think of,—in fact, excuses which have created laughter throughout the court.

278. Are there not a great number of natives about Peddie?—There cannot be less,—judging from what I have seen, and from my own knowledge of the country about the Victoria district, from Fort Peddie to the sea, taking below Fort Peddie,—not much less than 16,000 Kafirs and Fingoes. They have now become so intermixed and amalgamated that there is great difficulty in distinguishing one from the other.

279. You include men, women, and children?—Yes. A great deal of this amalgamation has gone on since the starvation took place. The Fingoes have risen much in the estimation of the Kafirs, and the feeling which formerly existed on the part of the Kafir towards the Fingo, that the Fingo was a dog, &c., has died away; and instead of looking down upon the Fingo, the Kafir looks up to him, as being a man of greater property.

280. Many of these Fingoes possess considerable property, do they not?—Many of them are acquiring property, and are very industrious men; they have wagons, and some of them have a great anxiety to get them. In fact, the greater part of our short journeys, in the way of transport, are done by Fingoes, who are not only acquiring such property, but many of them are purchasing land about the Keiskamma, where they can obtain it at a cheaper rate than within the colony.

281. But are these cases to which you refer excepted cases, or general cases?—I cannot give it as a general rule; it is exceptional.

282. Then, generally speaking, do you consider these natives under proper control?—Decidedly not. I consider that they are not under any control at all.

283. And do you think that in the event of an outbreak in Kafirland among the natives, the state they are living in would endanger the safety of the colony?—I should say it would. Those who have acquired property and have settled down, as it were, may see that it is to their interest to remain on the side of the English; but those who are now committing depredations, and who have nothing but stock to fly with, would fly and join the enemy, no doubt.

284. You are aware, doubtless, that in the outbreak of 1851, that part of the frontier where these natives had been

placed in communities became the most dangerous part of the frontier?—Decidedly. For instance, take the Mounted Kafir Police, in which Sir Harry Smith had so much confidence; they walked over to the side of the enemy, horses, accoutrements, ammunition, and all. If you take Hermanus's people, again, they were composed of almost all the tribes on the frontier; they had been under the Government for several years, and the greatest faith was placed upon them; yet these were the very people who, headed by Hermanus, attacked Fort Beaufort.

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285. And Shiloh?—Shiloh, likewise, is another case; but there they were more Hottentots and Bastards. The Kafirs round about Shiloh remained true, generally speaking.

286. Then, is it your opinion, Mr. Stanton, that for the protection of the property of the farmers and the general security of the country, some alteration in the existing law is absolutely necessary?—Yes. If some steps are not taken to remedy the present system of crime, I have no hesitation in stating, from what I know of the case altogether, that it will either drive the colonists out of the colony, or else drive them, to a great extent, into committing bloodshed.

287. When you say committing bloodshed, I understand you to say that they will take the law, or protection of their own property, into their own hands, seeing that they do not receive that protection from the Government which they think they have a right to expect?—Yes.

288. Mr. Wood.] You were residing at Fort Beaufort at the time of Hermanus's attack?—Yes.

289. How far were Hermanus's company, off Fort Beaufort?—About five or six miles.

290. Was it the opinion of the Government that they also were a body of natives who could be trusted?—Yes; so much so that they were going to remove Hermanus and his strong party into Fort Beaufort for our protection, till the inhabitants, myself among the number, strongly resisted the step, and urged that no faith was to be placed in him.

291. And did he after all lead his people up to Fort Beaufort?—On two occasions he led them, and swept every living animal off. On the second occasion, his horse was shot under him,—the ball went through his saddle flap and out at the other side, and, of course, he left the horse behind. But on the third occasion he came for the purpose of sacking the town and murdering the inhabitants.

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292. Did the inhabitants fight with him?—They and the Fingoes both came out.

293. Was he killed?—Just on the banks of the river which encircles Fort Beaufort, and within the township.

294. Since that have these native locations continued in the neighbourhood of Fort Beaufort?—Yes; some thousands of natives are settled there.

295. From your practical experience of the people, do you think that any reliance is to be placed upon them?—I should be very sorry to place any on them.

296. From your knowledge of the natives, do you think that their sympathy is greater amongst themselves with each other than with us?—It is decidedly stronger among themselves.

297. What is your opinion, with reference to the natives now located in the Victoria and Peddie districts; you are aware that they occupy a large quantity of land: is it a valuable country?—Yes; being a zuurveldt, it is very valuable for cultivation.

298. Looking at the removal of the tribes from the border, and to the fact that there are none stationed between the Fort Peddie district and King William's Town, do you think that the present position of the intervening district is dangerous to the colony, or otherwise?—I should say so, to a very great degree; because these natives, so long as they are overawed by the European force, and more particularly I should say by the border mounted police, may see that it is to their interest to remain quiet. But when they see that such a wide extent of country is left open, as it were, it certainly is a great temptation to them to rise and join the enemy, should anything happen.

299. Now, from your knowledge of the country, would there be any difficulty in the Transkeian Kafirs taking possession of the Fish River bush?—None whatever. Taking the sea, from the coast line up, there would be very little open country to go through.

300. You stated in your evidence that there has been a wonderful alteration as regards the feelings of the Kafirs and Fingoes towards each other. Do you happen to know whether marriages have taken place between them?—I may say in thousands of cases. I will explain that. When the starvation system took place, and the women came in in such thousands, the Fingoes, who perhaps only had one wife, found no difficulty in getting a second or a third.

301. Then, if the Kafirs were so disposed, and occupied the Fis River bush, would there be any difficulty in their then holding communication with Peddie?—Decidedly not. The Peddie district surrounds the Fish River bush.

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302. Would the colonists, seeing that this union of which you have spoken has taken place, have any apprehension of the Fingoes sympathizing with the Kafirs and joining with them against us?—The general opinion of the colonists is that there is a complete sympathy now between the two tribes of Kafirs and Fingoes.

303. Do you speak that advisedly?—From experience, and from constantly watching the operations going on in former times. The Fingo used to be looked at by the Kafir as the mere dirt under his feet, and the expressions frequently heard made use of towards them were couched in the most disparaging terms, such as “dog,” and what not. These have all disappeared, and there is no kind of ill feeling remaining between the two tribes. They associate with each other, and intermarry.

304. Formerly was there any difficulty in recognising a Fingo?—None whatever. For several years after they came into the colony the old Fingoes had very different features to the Kafirs and to those of the rising generation of Fingoes. Most of them had large holes in their ears.

305. Can you take upon yourself to point out which is a Kafir and which is a Fingo young man?—I could not point it out in two cases out of ten.

306. Then, in the event of any such unhappy circumstance taking place which will bring about a union between the Kafirs and the Fingoes, what effect would that have upon the country?—Looking upon the Kafirs as they are now, they are a broken nation, from whom we have very little to fear while they are kept in their present state; but if anything takes place under such circumstances as you have mentioned, with the whole country filled with thousands of Kafirs from Queen’s Town and the Waschbank to the sea, extending far into the interior from the border, I should say there would be everything to fear.

307. Do you look upon the removal of the troops from all the frontier posts as a benefit to the colony, or otherwise?—I must say that I never approved of many of these very small posts, because we have frequently seen that when anything has happened they were not able to protect themselves, much

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less give assistance where wanted. Therefore the concentration of posts along the frontier line seems rather beneficial; and the abandoned posts, you will understand, are still standing, and, having only been let for certain periods, could, in case of anything happening, all be resumed again.

308. Taking Fort Peddie, for example, that was a large post, was it not: and do you not look upon it as a key-post to the frontier?—When the lower country was filled up by Pato's people, then I considered Fort Peddie to be the key to the whole country; but since all the tribes there have been dispersed, and the country filled up with grantees, right away beyond the Buffalo, I do not think it is any longer the key of that part of the country.

309. Then you think the colony has nothing to fear from the removal of troops from Peddie?—Perhaps it would have been as well to have kept them there to overawe the Fingoes, of whom there are a great number there; and, so far as that goes, I should say that the presence of the troops would have been very important.

310. *Chairman.*] Do you know whether the Fingoes in that district still indulge in their native habits?—The greater portion of them.

311. They have not come under the influence of civilization there?—They still wear their blankets, and wear red clay, and do all those things which belong to barbarism.

312. And go about naked?—Yes.

313. You referred to Hermanus having made an inroad on Fort Beaufort. Are you not aware that when that took place the location granted to Hermanus by the Government became the rendezvous of the spoil of all the neighbouring farmers?—I may state that for many weeks, while the whole country was being plundered round Fort Beaufort, the place at the Blinkwater, and about to be granted to Hermanus, was entirely the rendezvous of the whole of the rebellion, and of thousands of pounds worth of plunder. In fact, after the people of Fort Beaufort defeated them, they brought back two or three thousand head of oxen from that place, and some thousands of sheep.

314. And other property?—Yes, of all kinds; pianos, and every sort of furniture fit for any gentleman's drawing-room, which they had been using in the bush for weeks.

315. *Mr. de Wet.*] Would you recommend that Kafirs who have obtained certificates of citizenship should be in-

discriminately deprived of them?—There might be a few whom I would be sorry to deprive, honest, well-conducted men, in whom the colonists have confidence. I think it was the intention that such only should have these certificates, and if the issue of certificates had been confined to them it would have had a good effect; but they have been issued to thousands in all directions.

316. You would confine the deprivation to the perpetration of certain crimes?—I think that whenever a native was convicted of any crime he should be deprived of his certificate. I not only think so, but took the trouble to go to Mr. Southey, and represented the matter to him, having seen scores of these men convicted, and then, on their release, the certificate of citizenship handed back to them, so that they could go and steal again. I even went further, and saw the Attorney-General, who said that there was no law that he knew of to prevent it.

317. Since I hear from your evidence that there has been such great intercourse of late between the Fingoes and the Kafirs, will you state what effect it would have upon the Fingoes?—I do not see that it would have any evil effect upon them, because it would cause them to set more value on the certificates, seeing that they were only given to deserving men; it would be the means of urging them to follow the example of those who obtained these passes; and if they were deprived upon conviction, I think it would go a long way towards stopping theft.

318. But would it not create a hostile feeling on the part of the natives towards the colony?—No; these things would not be thought of unless carried out in a wholesale arbitrary manner, so as to arouse the mass of people.

319. Do the Kafirs locate in certain spots, or are they dispersed all over the country. They roam all over the country. They come in seeking service, and after seeking service and acquiring stock, as they often do, honestly or dishonestly, they set about returning. I have an opportunity of seeing hundreds of troops of Kafirs passing into the colony for service, and then passing out again; and I see them coming in naked and penniless, whereas, when they go out again they will take with them perhaps, two, three, four, five, or six beasts, and a little flock of sheep besides, with also, perhaps, a horse or two. They pass through the country, and owing to the sparseness of population there is nobody to ask them questions where they come from.

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320. *Chairman.*] Are you not aware, Mr. Stanton, that the loose way of issuing certificates embarrasses the police in the execution of their duty?—Yes. I would relate an instance I was a witness to. Some nine Kafirs were brought up to the magistrate's office for theft, and all had certificates of citizenship. Well, there was a little confusion as to their not being Kafirs but Fingoes. Mr. William Ayliff, than whose authority there can be no better, as a judge of natives, declared that there was but one man among the whole nine who was a Fingo, and on the question being put they acknowledged they were Kafirs, raw Kafirs.

321. *Mr. de Wet.*] Are the military posts all fortified places?—Some of them are, but most of them are very much exposed in time of war, though quite equal to what is required in time of peace.

322. *Chairman.*] Still they are very necessary, are they not, to keep up the communication, as you could not get through but for them?—They are.

323. *Mr. de Wet.*] I suppose they are barracks?—There is Fort Cox, it is a well-fortified place, but it took 2,000 men nearly a month to throw supplies into it; and I could not see the use of the force otherwise, for I am confident not a single soldier crossed the river.

324. Are they in general like Fort Willshire, the only one I have seen?—No; that was a stancher place, for I resided there myself two years. Fort Brown is now, however, tiled, and so is the Koonap; in fact, they have endeavoured to make all fire-proof.

325. So that, from what you state, they are not all fit places for retreating to for protection, if necessary?—No; the situations of some of them are such that the inhabitants could not retreat to them without great difficulty.

326. *Mr. Wicht.*] Is any notice taken of expired passes?—In that case, if the holders happen to fall in with the police, the police examine the passes, and the superintendents, seeing that their time has expired for entering the colony, takes it upon himself to bring them before a magistrate. But if they can carry certificates of citizenship they have only to borrow one from some of their friends, and the natives being all so nearly the same, there is nobody to contradict them.

327. Could not the field-cornet?—It is impossible, for there are thousands of these natives travelling about the country, so that he could never distinguish them.

328. I will read a question and answer from last year's evidence, and wish to know if you concur. Mr. Pote put this question to Mr. Bowker:—"With reference to Act No. 23 of 1857, which declares that after the expiration of a certain time it shall become competent for any field-cornet to apprehend Kafirs with expired passes, do you think that that portion of the law can be carried out?"—To this the answer of the witness was:—"I think it very seldom is carried out at all, the field-cornet having no means of doing so. He is as isolated a farmer himself as others are, and has no efficient assistance within his power. There may be a few energetic field-cornets who would attempt it, but then they do it most likely at their own cost, for they would exasperate the natives and get no servants, so that I believe for that purpose any such attempt is wisely avoided?"—Mr. Bowker is quite right there: the natives would not work, and besides the field-cornets could not do it.

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329. *Chairman.*] So that you consider the present Act in force for issuing passes perfectly unworkable?—Entirely so.

330. And useless for the protection of the property of the farmers?—Yes. I would state that I have seen as many as twenty or thirty natives brought up, all with passes expired—some a year, some two years, and yet roaming about the country, having never been in service. They themselves give their statements that they have never been in service the whole time. The consequence is, they are committed to prison for three or six months, according to the Act, but when the first master who wants a servant comes, they are liberated; and then, if it does not suit them to work with the master, they walk off the road they have been before.

331. Have you anything to suggest for the stricter enforcement of the law?—I would say that every native convicted of any description of theft should be deprived of his certificate of citizenship, and I think the number of thefts then committed would be very small in comparison with what they are now. Then, again, I think the suggestion made by Mr. Bowker, as to a renewal every two or three years, on payment of a small fee, would be advisable. I rather differ as to fixing this fee at 10s. Supposing that the renewal was every two years, I would say let the fee be 5s.; if every three or four years, then 10s. It would be much easier though, I

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think, to carry it out with a 5s. fee than with a 10s. one. The natives, I believe, if some such measures as these were adopted, would set more value on the document, and it would also be a means of causing them to look out for more industrious ways of living.

332. Mr. *de Wet*.] Would it not induce them to steal more, just to pay the fee?—No; there is no very great scarcity of money among them. If a Fingo goes out sheep-shearing, which is a work they delight in, they must be very bad hands if they do not make 4s. or 5s. a day, and sometimes even more, besides at the same time receiving rations from the farmers. Some thousands, I must tell you, are employed in this kind of work, because the farmers almost depend for their sheep-shearing and washing upon this class. As to getting their services in harvest time that is a difficult job, for the Kafir always complains of work. He cannot stand it for more than two or three days.

333. *Chairman*.] Is there anything else you have to state? —It appears to me that there is a feeling abroad that our native servants steal because the farmers do not pay them well enough. Now, I could relate circumstances to prove the contrary, but I will merely state one. I was at a farmer's house,—Mr. Phillips, whom the chairman knows well. He is one of our first-prize sheep-farmers. He had two beautiful imported ewes in his stable, feeding on forage corn, and, in a manner, he almost worshipped them, they were such beauties. I examined them myself, and can say that I had not seen two such ewes. On the Saturday night I saw him cut up a large Kapater buck, weighing 70 or 80 lbs., and as fine and fat as could be. He called his people who acted as herds, and issued to them their rations of meat for three days, besides corn and so on. On the Monday this farmer came into Fort Beaufort in the greatest trouble. The little boy who had taken out these imported sheep in the middle of the day to stretch their legs had lost them. Search was made, suspicion fell upon the herds; still they could get no clue. However, part of the meat was at last found, and eventually one of these herds admitted that the sheep joined another flock of their master's, and that the other native herds sitting with him and all smoking their pipes, suggested that it would be a very good opportunity to eat these two fat sheep, and they accordingly did so. Now this farmer declared to me that he would sooner have driven out for these herds 300

hamels than they should have killed these two ewes. But there was no difficulty about it, the case was as clear as possible, and was fully proved, and I think the men got two or three years before the Circuit Court. And this is not a solitary case. There is a statement made to the Council by petition by some eighteen farmers in Fort Beaufort district. I know every one well and recollect every instance there mentioned. I remember well Mr. Pohl losing 200 superior sheep, not exactly imported sheep, but still the very best of his flocks. These sheep were removed into these locations, and were distributed about in such small lots that it was impossible to identify or trace them.

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334. Mr. *Reitz*.] With regard to the question of wages, what wages are allowed to servants in those districts with which you are acquainted?—If a Kafir man comes and engages as a sheep herd, he might get a pound a month; but then they do not come alone, they bring their wives, perhaps their mothers, and perhaps, in such a case, the farmer has not only to pay wages, but to feed the whole lot of them. Consequently this accounts in a great measure for low wages being given.

335. And then, perhaps, these servants have the run of a part of the farm?—That is a general rule. In fact, the farmer will look upon it as an advantage for his herd to have a small flock, because he will then take greater care of his master's flocks as well.

336. Do you not think that, if it were not for the unwillingness of farmers to be at the loss and trouble of bringing criminals before a magistrate for petty thefts, the certainty of conviction would act more beneficially than very severe punishment?—No, decidedly not. In the first place, take a case. A farmer discovers that his herd has killed a sheep or two. He then brings him into Fort Beaufort, 25 miles say. The magistrate takes the evidence, but does not consider it conclusive, and therefore the case is remanded. The prisoner is committed to gaol meanwhile, and fed till the master can go back and bring in his further witnesses another day. The case comes on again, and, of course, the farmer has to be in. Now here he has to travel 100 miles, and after all the man is only sent to gaol for a month, and well fed there.

337. And some of these further witnesses were perhaps also out of the master's service?—Very likely.

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338. Consequently to go and complain of the theft of one sheep is, in fact, a punishment to the master?—Yes.

339. And in that case do you not think that from this very cause fewer convictions take place?—If it were not for this trouble to the farmers, you would have ten times the robberies reported.

340. And convictions?—Yes.

341. Do you not think, then, that if there were greater certainty of conviction for these thefts,—if there were not the chance of escape there is at present, from the farmers being unwilling to take the trouble to bring the culprits all the way in to the magistrate,—that would have fully as good an effect as a more severe punishment?—As things stand at present, conviction is a mere laughing-stock among the natives, who care no more about it than if it were nothing at all. I will give one instance, a case which occurred a few weeks before I left, in the Pringle family. One of the servants was guilty of gross insubordination, for which he was taken to the magistrate, and got a month's imprisonment. When that was up, he came bouncing through the front hall where the family was sitting, and went into the kitchen, where the other servants asked him how he liked the tronk? Oh, he said, it was a *mooi plaats*, with *lekker kost* and no work, and he had come home, he said, like a stall-fed stallion.

342. But do you not think it is often only braggadocio on the part of the servant; or do you believe that it is really the case that many herds would really stay in gaol without work than get the good wages they might earn with a master: is that really the feeling?—Every person who goes into gaol comes out with a feeling of idleness, contracted while there, and a liking for the place on account of good feeding. I have no hesitation in saying that these natives come out after two months' imprisonment five or ten pounds heavier than when they went in. These are things I have carefully watched, and regarding which I speak advisedly.

343. *Chairman.*] In general, when a prisoner is convicted of a theft of a single sheep only, and that stands on the record, are you not aware that the farmer has been plundered of many others besides this single one?—Scores perhaps, but this one has been the only one clearly brought home to the prisoner. The farmer is so completely worn out that at last he can stand it no longer.

344. Because he is obliged to bring forward such cases of a single sheep being stolen?—Yes.

345. Mr. *Reitz*] Is there nothing like a census of the native population, either in what are called locations or elsewhere in the colony?—No.

346. And no means of obtaining it through Government agents?—The natives go and come, and travel about in such a way, that you cannot think of a census.

347. You said the Kafirs look up to the Fingoes. Do you not think this state of feeling, rather than the inverse, a gain and advantage to the colony?—Decidedly not.

348. Would it be a greater advantage to have them, as before, looking up to the Kafirs?—I think the greatest thing to be looked at, and which is looked at by all Europeans, is a balance of power; and while we can make sure of such a difference continually existing between the two races as would make them break each other heads, we must come off the conquerors.

349. But comparing the former state of feeling to the present, do you not think it an advantage that the Kafir should look up to the Fingo than the Fingo to the Kafir?—Perhaps, as far as civilization goes. The Fingoes have acquired more civilized habits than the Kafirs formerly. Therefore, as far as improvement in civilization goes that might apply; but I cannot say further. The cause of the Kafirs looking up to the Fingoes now is the way in which the latter took them in and fed them at the time of the starvation.

350. Besides, is there not a new race sprung up, the old race of Fingoes having become extinct?—Yes; you may walk for days before you find an old man with a hole in his ear, although 2,000 were brought in in 1835.

351. I think you heard me put a question to Mr. Bowker as to an addition to the police, and the willingness of the inhabitants to pay a local tax for the purpose?—I think the inhabitants at present would somewhat demur on these grounds. There is rather a discontented feeling on the part of the inhabitants as to a number of the police being kept in Kaffraria instead of in the colony. They argue that if the police were in the colony they would have more chance of restraining depredations; otherwise I think, if the whole police were applied to the protection of the colony, they would be prepared to bear a moderate tax

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352. Have you any idea how many certificates of citizenship are granted annually?—No; they come in wholesale, by thousands I should say, judging from the numbers of tin boxes I have seen coming from Cape Town.

353. I see it stated in one of the petitions that Mr. Pohl lost seventy-five sheep, valued at one hundred dollars each?—I know the sheep well.

354. How can you account for people in that neighbourhood, in danger from thefts, trusting such sheep without sufficient protection, either by Europeans or otherwise?—European herds have been tried, but not answered.

355. I mean in such a case as this, where there is a small flock of valuable sheep?—This is only a number taken away from the whole flock, not the whole flock itself; he has some thousands.

356. Not worth one hundred dollars?—Perhaps a couple of thousand.

357. Do you mean that he has a couple of thousand worth £7 10s. each?—I do. He has a great number, perhaps not quite two thousand; but at all events these seventy-five were not one flock. It might just happen that this number was sent away to be herded by itself, and then stolen. I cannot say; but from what I know of Mr. Pohl's sheep, I am aware that he has a great number worth £7 10s., and even many for which he would be sorry to take £10.

358. Mr. Wicht.] You have had a great deal of experience on the border: do you think it would be an advantage if the police were removed inside the border?—Decidedly; I do not for a moment wish to underrate the police or to have it thought that they are not rendering service. They are in a very good position, as far as that goes, but it is one that ought to be occupied by a resident agent and military. I think that would meet the necessities of the case, and give us our police back. I believe it is quite essential that the movements of Kreli should be well watched, and where the police are they have an eye after him.

359. Still you think that military would do as well there to watch Kreli's movements?—If there were there stationed a resident agent, aided by half a-dozen police, it would meet everything. Kafirland is very different now to what it was twenty or thirty years ago. There was a time when it was impossible to get one Kafir to impeach another. You might cut him to pieces before he would impeach a fellow Kafir or

his chief, but since the starvation they have been so broken up as a nation and their power so weakened, that I think now, as it were, they would hang their own brothers.

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360. Where are the Cape Corps employed: on the immediate border?—They are stationed within the colony. Fort Beaufort is the head-quarters, with detachments in King William's Town.

361. Could they not do duty beyond the border?—Yes, they might.

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PRESENT :

Mr. GODLONTON (Chairman),

Mr. Reitz,
Mr. Wood,

Mr. Wicht,
Mr. de Wet.

Hon. S. Cawood examined.

362. *Chairman.*] You are a member of the Legislative Council?—I am.

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363. And reside at Graham's Town?—Yes.

364. How long have you been on the frontier?—Upwards of forty years.

365. You are a contractor for the supply of the troops on the frontier?—Yes.

366. And have been so for a considerable time?—Yes.

367. You are engaged in sheep-farming likewise?—Yes.

368. And you have a branch establishment at Cradock, I believe?—Yes; my brother lives at Cradock, and has an establishment there.

369. From your position as contractor, you are perfectly acquainted with the farmers along the whole country?—I am to some extent, but not much; I generally reside in Graham's Town, and have not travelled about so much.

370. You are aware that the farmers have complained within the last year or two of continual depredations on their flocks and herds?—Yes.

371. To what do you attribute that?—To the natives roaming about the country.

372. What is your opinion of the working of the Act which authorizes the granting of certificates of citizenship?—

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I think it acts very badly, and to the injury of the farming population. It gives the natives an opportunity of roaming about the country, and I know many cases of theft which have taken place through these certificates.

373. What remedy would you propose, what amendment would you suggest in the Act?—I think, as the certificates are granted, we must make the best of them now; but I should fancy that the best way of acting is, that when these natives commit any crime their certificates of citizenship should be taken from them and forfeited.

374. Do you think it a bad practice giving them these certificates in perpetuity?—Yes; I think that those which are issued ought to be renewable from time to time.

375. At what period would you make them renewable?—Say one or two years. There would be little difficulty in that. And there should be also some appointment of magistrate of the district in which they reside, before whom they would have to appear at stated intervals.

376. Are you of opinion that the certificates should be carefully registered?—Decidedly. I think it is very wrong that they have not been so hitherto.

377. Are you of opinion that, on removal, they should be registered in the district to which the party removes?—Yes.

378. Do you think the natives would object to paying a stamp upon these certificates of citizenship?—Those that conduct themselves well I do not think would; but the others might.

379. The well-conducted, you think, would not object?—No; but I do not think the stamp should be very high.

380. What stamp would you suggest?—I think one of 5s. would be sufficient; and that the holder should be forced to appear before certain magistrates.

381. Then you think, in the event of their being renewable and having a stamp affixed to them, it would give them a value in the eyes of the natives?—Decidedly so. I do not think they would alienate them as they do at present.

382. And what is your opinion with regard to Act 24 of 1857, authorizing passes to be given to the natives, under what is called the pass system?—I think there ought to be more care taken in reference to the issue of these passes, and that they ought to be issued also in such a way that the police should have more control over the holders.

383. Do you think that clause of the Act objectionable

which, in the event of a policeman interfering with one of these people, subjects him to a fine of £10 and three months' imprisonment?—Decidedly so.

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384. What is your opinion of the working of the Kafir police with regard to these natives wandering about with these passes or certificates: do you think they can carry out their duties sufficiently under the present system?—No; these passes prevent them from doing so, to a great extent.

385. Then you would recommend an alteration in the law with regard to these passes, and think such an alteration necessary to the security of the frontier?—I am certain it is. The quantity of property stolen from time to time is alarming. I know a farmer close to our place who lost one hundred and thirty sheep and could not find a trace of them. He went half across the Fish River bush and could not find them. Since I have been in Cape Town, also, the natives came to a place where I keep my sheep, about three miles from Graham's Town, for the supply of the troops, and took away three sheep. About three months ago, also, they killed one, and we could not find a trace of it at all.

386. You say you are a sheep farmer: what servants do you employ on your farm?—I have an English overseer, and I try to mix my herds, part Hottentots and part Kafirs, so that they cannot combine together. You have then a better chance of finding anything out if you mix them than if you have them all Kafirs.

387. And what is the usual amount of wages you pay to these herds?—Generally one pound a month and rations.

388. What do their rations consist of?—Meat and meal, generally.

389. Do you know the regular scale?—No; the overseer issues it to them every morning.

390. What quantity do you suppose you give them. What quantity of meat, for instance, do you suppose one of the herds receives?—I think a pound and a half or two pounds of meat and one pound of meal a day. We do not issue bread and meat regularly every day, but sometimes we give them mealies.

391. Then you do not weigh it out to them?—No; the overseer cuts up a sheep and gives them a portion of it every day. The herds have also the privilege of running a few cattle on the place.

392. Do you allow them to cultivate any part?—Yes, they cultivate a certain portion for themselves.

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393. Mr. Wicht.] And sometimes these herds have their wives and children on the place?—Yes, many children.

394. Chairman.] And you have to keep them too, have you?—You have to employ them as well as you can, and feed them.

395. Are you of opinion that it would be of advantage to the farmer were Europeans employed more generally?—I think if there were more European overseers it would be better; but the Europeans do not like to go out as shepherds during these long days; they would rather be employed in some other way.

396. You are aware that some of the police are over in the Transkeian country?—Yes.

397. Do you think it would be desirable that those police should be withdrawn into the colony?—No; not under present circumstances.

398. Then you think that it is better, as far as regards the security of the colony, that they should be where they are?—Yes, so far it is better; but for the prevention of stealing, perhaps, it may not be better.

399. Then you are of opinion that the police force at present in the colony is inadequate for the protection of the property of the inhabitants?—Yes.

400. And you are decidedly of opinion that the most effectual way of putting a stop to the depredations is an alteration in the law?—Yes.

401. Are you of opinion that three months' imprisonment, with hard labour, as it is called, is an inadequate punishment for sheep and cattle stealing?—I think it is. It just strikes me that I think it is the white people that have taught the Kafirs to steal, to a great extent.

402. Perhaps you will be kind enough to explain?—In Kafirland the law is that when the one steals from the other the punishment is to take ten head of cattle for every one stolen. That keeps the stealing down in their country, and we do not hear of much stealing among themselves, for they so strictly carry out the rigour of this law that those who have property do not try to steal. If we were more strict on our part in punishing them properly, we should not have as many thefts as we have to-day.

403. Then you are of opinion that the present system of punishment, by which three months' imprisonment is generally given, is quite inadequate to put a stop to the stealing which is going on now?—I am sure it is, for this reason. The

Kafir thinks it no disgrace to be put in prison; and when he comes out of prison he has a new suit of clothes given him. He is thus sent out into the world dressed. To a white man, being put in prison is a disgrace as long as he lives, and to his children after him. To the Kafir, that disgrace not being felt, the punishment is nothing. If we were more severe with them in the punishment inflicted they would not steal, for they know what is right and wrong as well as we do.

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404. Are you contractor for the supply of the prison at Cradock?—No, my brother is.

405. Then you do not exactly know what is issued there to the convicts, as I see a large gang of natives has been picked up in that district?—No, I do not know.

406. Mr. *Wicht.*] With regard to the Frontier Mounted Police, you have stated that you thought they are better employed beyond the border. Could not their duty be performed by the military, by the Cape Corps for instance?—If the Home Government would sanction it, it could be.

407. But I suppose application could be made to them by the Parliament?—Yes. Why I thought the police over there are better employed for the present than they are within the colony is, that if there were no one there, Krelie would turn back to his own country; a great portion of the natives would flock round him, and we would have a very strong enemy to contend with some day.

408. *Chairman.*] You have been through Kafirland, I believe as far as Natal?—Yes.

409. And are you of opinion that unless care is taken, that Transkeian country would be again filled with natives?—Yes, I think the place will be filled up immediately.

410. And that is the reason, as I understand you, why you state as your opinion that the police should be kept there, or that a military force such as the Cape Corps should be placed in that country?—Yes.

411. Mr. *Reitz.*] You spoke just now about the “interference” of the police with the holders of passes. What do you mean by interference; are the police not limited to asking them to show their certificates, or what kind of interference do you mean should be allowed to the police with regard to the natives?—The police, of course, can demand to see their passes. The sixth clause of Act 24 of 1857 provides that “if any person shall, upon the allegation or pretext that any

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Fingo who shall produce for his inspection his certificate of citizenship is nevertheless a Kafir without a pass, apprehend or obstruct such Fingo, after he shall have produced his certificate," &c., shall be fined £10 or have three months' imprisonment.

412. What kind of interference, then, would you wish or recommend should be allowed to the police beyond that of asking for the passes and what the Act now allows: I mean, what kind of interference would you propose as an amendment to that clause of the Act?—The difficulty with the police is, when they meet a Kafir or Fingo on the road they do not know whether the pass belongs to the same party who carries it; and I think the interference ought to be that the police, if they suspect everything is not right, should be allowed to take them up without being subject to that penalty.

413. How many wives and children have the herds living on their masters' places with them generally?—Very often two, and sometimes three wives.

414. And children, generally speaking?—I have not known large families; say five or six children.

415. And how are they fed and clothed?—In general, a bit of land is given to them for cultivation, and the occupier of the farm has to supply the remainder of them with rations from day to day, besides which they go out hunting to kill bucks, and sometimes kill a sheep.

416. If Europeans would go as shepherds, what do you think you could afford to pay them down in your direction: that is, if they would go willingly?—I think we could afford to pay them £3 a month as shepherds.

417. That is without rations?—No, with rations.

418. And would you give them the same rations as Kafir herds?—No, they would have to get coffee, sugar, &c.

419. Do you think that if the farmers down there could get Europeans willing to go out as shepherds they would generally give them the same amount of wages?—In some cases, not in all.

420. But I am speaking generally, not as the exception, but as the rule?—No, I do not think they would. In fact, I know that English shepherds would not answer there. I employed one to take care of my sheep; he went out, but complained that the country was too hot and that he could not sleep during the day time. They cannot endure heat.

421. Do you think it would be regarded as an injustice if

a small local tax, according to the quantity of stock kept in each district, were levied in order to establish an additional rural police in connection with the present, so as to answer the same purpose?—I think if the farmers were to see their way clear that it would secure the country and prevent stealing, they would have no objection.

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422. But seeing no further than we do now, do you think they would object to it: would they expect any benefit sufficient to make them satisfied with such a tax?—The border is very extensive, and it would take a great many police to supply the want, so that I do not think we could easily raise sufficient from this source to make good the expense.

423. What do you think would be an adequate punishment for sheep and cattle-stealing, seeing that we cannot do as they do in Kafirland—take ten times the stock, when probably the offenders have not got it: what do you think would be an adequate punishment in lieu of the punishment that is now generally awarded?—I am not altogether favourable to corporal punishment, but I think it is the only thing which will prevent the Kafir from stealing. It is a disgrace to him as long as he lives. Anything that can touch the Kafir so as to bring disgrace to him is felt by him, and that, I think, is the only plan of teaching the Kafir—touch him with the lash. His back shows as long as he lives that something has gone wrong with him. He fears that, and that would prevent a deal of stealing.

424. Then would, you have one kind of punishment for natives and another for Europeans?—No; decidedly not.

425. Would you leave it in the power of a single magistrate to give corporal punishment to a great extent to all the inhabitants of the colony,—our present magistrates?—They have the power under the Act now.

426. Then what are you contending for when you say that the present is no adequate punishment, but suggest corporal punishment instead?—Magistrates have only power to inflict corporal punishment on a second conviction, but I think it would be better to give them this power on the first conviction.

427. Can you tell how they do in Kafirland upon thefts taking place (the punishment being the return of ten times the number stolen) if the thief has not that number to return?—They punish them in some other way; they do not spare them.

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428. In what other way?—That I am not prepared to state exactly.

429. *Chairman.*] What is your opinion with regard to removing Kafirs from the frontier further into the colony, say from the frontier to Cape Town, in the event of conviction?—I think that would act very beneficially, as the other Kafirs would also dread the punishment of having to leave their country, as they would have a difficulty in getting back.

430. Do you not think that would answer as effectually as corporal punishment?—Yes, perhaps so; but I do not see how you could remove them for two or three months; it would not be worth while doing so.

431. But in the event of a longer term of imprisonment?—It might then answer.

432. You think they would dread removal from their own localities?—Yes.

433. *Mr. de Wet.*] They are much attached to their country, then?—Yes, there is no doubt about it; and to their friends also.

434. And therefore they would fear the privation?—Yes.

435. Upon the subject of ammunition, I wish to have some more information: how do Kafirs get their guns?—I am not prepared to say; I do not know.

436. Do you think the Fingoes supply them?—Perhaps. There are different ways, but I do not know them. Some of them have guns still from the Kafir war time, having procured them when there was no law to prevent their doing so.

437. They are not proficient enough to repair their own guns, are they?—I do not know. At some of the missionary stations I think they are.

438. If a gun gets out of repair it is useless?—I think they get them repaired. They make their own powder over the Orange River, and I think the natives know how to repair their guns as well.

439. And the authorities allow them to get their guns repaired as well as any other person?—Yes; I do not think the police allow them to go roaming about with a gun, but if anybody else, any private individual, goes through the country and sees a Kafir coming along with a gun, he would rather go out of the road and allow the Kafir to keep it than go and disturb him by asking him questions as to where he got the gun. You have a fear in going through the country when you meet those Kafirs.

440. But now, as to personal bravery, do they look up to the colonists or not?—Many of them.

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441. Suppose a single Kafir meets a colonist, would the Kafir be afraid of him, or he of the Kafir?—I don't know that there would be much fear if he were to meet one alone; but if he were to meet three or four he would rather give them the road, for he would have a fear of them. Since we left home a young man was almost killed by some of them; they broke his arm and hurt him in other ways.

442. Do the Kafirs who are in the colony show any disposition to become Christians?—I think there are many very good men, no doubt; but still I don't think that prevents them being enemies to the colony or to the white man.

443. Do you think, then, that their conversion to Christianity gives them a disposition which makes them lay aside all inimical feelings?—I think the more the Kafirs are enlightened, on the contrary, the worse enemies they are, and the more dangerous to the colony.

444. That is to say, in so far that they can resort to measures which they otherwise could not?—They become much braver and more daring.

445. But do you not think that with those who adopt the Christian religion it has a salutary effect upon their minds, making them more friendly disposed towards one another?—Yes, it does for a time; but I mean if a war broke out very few would stick to us then. They are so attached to each other in nation and tribe.

446. Then you think the influence of the chief is paramount to any religious influence they have?—Yes.

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447. *Chairman.*] You are a member of Council?—I am.

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448. And have resided for upwards of forty years on the frontier?—About forty years.

449. *Mr. de Wet.*] You are one of the original settlers?—I am not a settler. I came out with them.

450. *Chairman.*] You reside at Graham's Town?—I do.

451. And have had great intercourse with the farmers along and beyond the border?—Yes.

452. You have had great intercourse with the farmers, along the frontier, I mean, and with the natives beyond the border?—I have travelled through pretty nearly the whole of the Eastern Province, on this side of the border; and on

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the other side, through the whole of Kafirland, up as far as Griqua Town. I lived some considerable time in Kafirland.

453. You have had constant and extensive dealings with the farmers on the border?—Yes, both in the colony, British Kaffraria, and the Free State.

454. You are aware of the state of the frontier at the present moment with regard to cattle-thefts?—I am.

455. Will you be kind enough to state to the committee what are your views upon the subject?—The present position of the frontier, arising from cattle-thefts, indicates to my mind that something of a very serious character is not far distant. That is to say, I judge so, if past experience is of any use as a guide to us. In time of peace, cattle-stealing and sheep-stealing to any extent is a matter almost unheard of. Petty thefts, such as one or two here and there, will take place from different flocks of sheep; and sometimes perhaps a beast will be stolen, but this is an exception, and not the rule; but in every war that we have had since 1820, the beginning of the war has always been preceded by audacious thefts along the whole of the border, and extending inland, say sixty miles. At present the stealing is something fearful. The thieves are not content with fives and tens, but go off with hundreds; and these all go in the direction of Kafirland Proper or British Kaffraria, or up beyond the borders at Queen's Town. Formerly, you had perhaps somewhat of protection on your border by the fact that you had a number of Fingoes on missionary stations, who, I believe, held land on the tenure of good conduct, and on condition that they were to use their utmost endeavours to prevent any thieves passing through their country with stock. But circumstances have greatly altered, and this arose from particular Kafir politics. One case, perhaps, I may mention as the strongest. It will be in the memory of all the members here that there was a period when starvation ran through the land, arising from these facts. The chiefs found a difficulty in getting all their forces to bear upon the colony, inasmuch as a large portion of their people requested that they might be left behind to take care of the stock, for the purpose of removing them into places of safety beyond the reach of the colonists in the event of their proving unsuccessful in beating the colonists. To overcome that difficulty, they introduced their Umlangani, witch-doctor, or whatever you like,—false prophet if you wish; and he predicted

that if the Kafirs would undertake to carry out his views, he would produce a resurrection of all the cattle they had had in past years, and that all the old warriors and men of note would, at the same time, re-inhabit the earth. They were to build new kraals to hold the stock, and when they had carried out his plans to the utmost, they would see the resurrection. The Kafirs believed this, and first commenced slaughtering one kind, and then another, and then another. Those that they could not destroy they sold, and, in some instances, in a few parts of the country, they made altars and burnt them. The result was, that they quite denuded their whole country of anything in the shape of food. When that was done, the chiefs anticipated that they would be able to bring their whole force to bear upon us, and come into the colony, where they could supply their commissariat. This killing lasted a little too long, however, and, as you are aware, starvation set in, and hundreds and thousands of men, women, and children suffered. Many of those who had strength enough came into the colony amongst the other natives, and from the kindness they received marriages took place, and union sprung up between them. But I must tell you that, before this, one of the Kafir chiefs made an offer to a Fingo chief to exchange daughters; he would take the Fingo chief's daughter to wife, and would give his daughter to the Fingo to wife; evidently thereby endeavouring to bring the Fingoes into their service, and to make a union between the two tribes. I know, further, that the negotiations were so strong between the Kafirs and Fingoes that, at last, a great meeting of Fingoes, held to consider the matter, resolved: "Before we give the Kafirs an answer, we must ask Shaw his word;" and a deputation of the Fingoes came to the Rev. W. Shaw, at Graham's Town, and asked him what he advised. He brought (I am speaking advisedly) to their notice what they were when they were under the Kafirs,—that they were dogs,—what they had become since they came under the English Government, and put it to them, would it be worth their while, having received such protection, and having been made men of,—that is to say, made to feel that they had a position,—would it be worth their while to forfeit and risk all they had, with the bare chance of doing what was impossible, subduing the English? This decided the matter. The Fingoes went in and all joined the Government, and, as you heard from Mr. Stanton's evidence yesterday, were, in Fort

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Beaufort, one of the great means of preventing the town from being perfectly annihilated by Hermanus. I name these circumstances with the object of conveying to you, if I can, how, looking at these thefts and this restlessness on the part of the Kafirs, although you have taken possession of British Kaffraria, and you are trying to hold the Transkeian territory, yet none of the Kafirs or their chiefs admit for one moment that you have subdued them. I remember, not long ago, meeting a number, and speaking to them about being now subdued and coming under the English, and in reply they expressed themselves most decidedly. "Subdued!" said they; "the hunger subdues us, but you never subdued us; we do not admit that you can subdue us;"—and it is their implicit faith that they are not subdued. I do not think that while there is a chief either amongst the Kafirs or amongst the Fingoes, the Government can say that it is in a safe position. Now, amongst the Fingoes, although so many, as you have heard are located in the Fort Peddie and Victoria districts, the Rev. Mr. Impey, the general superintendent of the Wesleyan missions, told me shortly before I left home that in that country there were upwards of 100,000 Fingoes of all sorts, men, women, and children, and only four functionaries to sway them and keep them in check.

456. Mr. *de Wet*.] Where did they come from?—These people came from a country between Chaka and the Portuguese, I believe.

457. Also with respect to those who have not come into the colony?—To those that may be in vassalage beyond our reach, the term "Fingo" would still be a word of reproach; but with regard to those who are under the British Government, the word has lost its stain; and hence, when you see Kafirs and Fingoes together you cannot tell the difference in many cases. Formerly, the Fingo tattooed, and wore a large piece of wood in his ear for an earring; but now they simply bore the ear and do not wear the ring.

458. What is the meaning of the word "Fingo"?—It is a word meaning, if not quite dog, something contemptible,—a slave, a vassal, or something of that sort.

459. Are you acquainted with the Kafir language?—A good deal.

460. And do the different tribes of Kafirs make use of one and the same language?—Very nearly; they speak different dialects.

461. So that a Kafir from one tribe would at least be sufficiently understood by a Kafir from another?—Throughout the whole of Kafirland, with a little difference or provincialisms, you would find the same language spoken.

462. It has been stated by some of the witnesses that it would be desirable to take the certificates of citizenship from the Kafirs who have come into the colony; but in doing so, would you not take away the right from the Fingoes also, since they are now so amalgamated that you could scarcely tell the difference, and may easily take a Fingo for a Kafir?—Yes; but you see that in dealing with these natives you must deal to some extent according to their own ideas of right and wrong. Now, if you could show to the well-behaved natives, those who deserve the certificate of citizenship, that you take that certificate away from those who do not deserve it, its value will be raised in their eyes. There are men whom I would be sorry to deprive of a certificate of citizenship, because I consider a great many of them valuable members of the community, and really becoming respectable men. A great deal of the small transport is conducted by Fingoes; and they will walk into your store and sign a way-bill as well as you would find a European or white man do it. They will write you letters, and they are indefatigable in many ways. When they become what they call “changed” or “Christians,” the energy they manifest in becoming educated is something extraordinary. I had in my employ, amongst others, a Fingo who learned his letters and had to use spectacles; and the other day he wrote me a note. If they make up their minds for education, nothing will stop them, for they will have it; and a great many of them have large amounts of property. For instance, if you went to Farmerfield, a few miles from Graham’s Town, you would find it occupied by very respectable Fingoes indeed. All these natives came out from beyond the border at the time Sir Benjamin D’Urban brought them from under Hintza. Sir Benjamin was the great “shield” thrown over them, as they called it in their language. But the Government committed a sad mistake, which will yet cost them, if they are not cautious, a large amount of money and blood. When they took the Fingoes and brought them under British authority, they allowed them still to retain their petty chiefs. The effect of this is, that there is a power within a power; and while I say that I should be sorry to see the res-

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pectable Fingoes deprived of any privileges they a present enjoy, because I do not see how you can elevate them in the scale of civilization unless you give them something to aspire to,—still I say that as long as they have a chief, you will have their barbarous practices continued ; you will have the “smelling out” for sickness,—you will have the war-dances, and painting, and polygamy ; and worse than that, because polygamy, even, is considered among them an honourable state, but you will have prostitution in its worst kind, as a matter of trade and degradation, and a matter which leads to a very large amount of depredations committed on this colony through the influence exerted upon the men in this way.

463. You have just stated to the committee what powerful influence a witch-doctor exercised on the minds of the Kafirs, causing them to destroy their cattle. Did that destruction of cattle confine itself to one particular tribe, or did it affect the whole of Kafirland?—The whole of Kafirland.

464. So that the whole of Kafirland was at once infected with this spirit?—Yes ; they all entered into his plans ; for the man professed to have a certain spot where he could display his enormous powers of a resurrectionary character. He would take them and show them, in a vlei, as it were the horns of oxen trying to come through the earth, and the shades of individuals.

465. Was that the operation of one witch-doctor, or was it an influence raised by a combination of several?—Only one.

466. Then he was looked upon as an extraordinary being, who had the power of prophecy?—Yes, as if he was in communication with the other world.

467. Now, as far as your knowledge goes, did the idea of resurrection enter the mind of the Kafir before that time, or was it something of a later date which might have been suggested to his mind by his being made acquainted with the christian religion?—For nearly forty years—that is as far as I can go with them, since I have been in contact with them—the Kafirs have had some idea of a hereafter. It was crude, but there was the idea ; and I never found on sitting down and talking with them but what they deemed it wrong within themselves to steal ; there was something within them that told them that. They had the idea that such a thing was

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right and such a thing was wrong, and that there were places to which they would go hereafter, which they designated "heaven" and "the fire."

468. Do you know of any instance where the same influence, caused by the idea of a resurrection among the natives, took place at any former period?—Yes.

469. How long before?—The destruction of the Fingoes as a nation was brought about by a similar process, through the influence also of a witch-doctor. An attempt was about to be made by them to subdue a neighbouring nation, and the witch-doctor told them to kill all their yellow cattle and eat them, then those of another colour, then those of another colour again; until at last they were so enfeebled that they were subdued.

470. How long did that take place before the last destruction of cattle by the Kafirs?—I should think about fifty years. Now comes the question, what we are to do with reference to these passes?—and reverting to the particular provision which has reference to these certificates of citizenship, I go on to state what my impression is. My impression is, that however humane the object was in passing the Acts which give these certificates and passes indiscriminately, I think unless something is very speedily done, and judiciously done at the same time, very serious results must follow. The present state of things cannot exist any longer; and I think if the Government were at once, through proper agents, such as the missionaries and others who have control over these people, to issue a notice calling in all the passes and certificates of citizenship throughout the whole of the frontier, and then re-issue them only to all parties who could prove that they had obtained them in a satisfactory manner,—that is to say, through the field-cornet, civil commissioner, resident agent, or missionary and assistant missionary,—the well-disposed Fingoes would themselves see the propriety of such a step. Let other passes and certificates then be issued, giving as full a description as possible of the holder, and charge a fee of, say, 10s., to be paid on the renewal every two years. I think that would prove a check to the stealing to a great extent, unless war were determined on, and then nothing would stop it.

471. Mr. *de Wet*.] Do you not think the Governor would overstep the bounds of law in doing what you suggest: do you think the Governor is authorized to do such a thing

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without an Act of Parliament granting him the power?—It would be very desirable if it could be done through the Parliament, inasmuch as some members of Parliament, perhaps, hold their seats having been voted for by some of these natives who have as much right to the franchise as you and I.

472. *Chairman.*] Then you think an alteration of the law at present in force in regard to passes is necessary?—Decidedly, if the Governor or High Commissioner has not otherwise the power to adopt the plan I have suggested. Then, again, I think something ought to be done immediately to put an end to that squatting which goes on now to a dreadful extent on our border farms. Any one conversant with human nature will know that a man can afford to pay a moderate rent for a place in a locality which is favourable for his nefarious conduct; and while the man who lets the farm, and perhaps his neighbours, are quite unmolested in the way I am speaking of, the whole of the district is paying a fearful tax by the robberies committed. These robberies, or many of them, are so systematically carried out, that they puzzle the most practical farmer. For instance, I am a farmer, and living forty miles from the *rendezvous* of thefts. I have a Fingo herd. My neighbour has a Fingo herd. Fifty of my sheep are missing, but are in my neighbours' flock, which will be three or four miles nearer the *rendezvous*. The sheep are missed, and sought for, but cannot be found. Why? Your sheep and mine are feeding in proximity, and, therefore, you cannot detect the spoor. The sheep will not be in Mr. A's flock two days before they are in Mr. B's flock, and then again they get into Mr. C's, nearer and nearer the *rendezvous*; and so on systematically, till you cannot trace them; and eventually they get into this *rendezvous*, and then they can never be found.

473. Mr. *Wicht.*] Are not the sheep marked?—Yes; but as soon as the natives get hold of them they destroy the marks. Then there is another very great evil the colony has to contend with, and that is, the congregating of the natives in enormous masses, without having anything like a proper supervision over them; and I would refer to this more especially as regards Fort Peddie, it being so in the proximity of the Fish River Bush and Goomse, and so close to the Kafirs.

474. Where would you suggest, then, that they should be

located?—My impression is that, as a matter of safety to the country,—and I would recommend this to the serious consideration of the Government,—those natives who have land in the district I have just named should, as an inducement to remove, receive an exchange of a larger piece of land elsewhere. I would put them in some part of the Transkeian country; and as an inducement to make them give up their present land, I would give them half as much more, letting them have a missionary or a resident agent amongst them. Do not put them there in large masses, as at present in the colony; but divide them, apportioning a part of the country to them; and the land so exchanged, if sold again to colonists, would bring a very large amount of money to the colonial chest at once. It would have another good effect,—you fill up the colony with those upon whom you could depend, your own countrymen, instead of having it filled with doubtful and questionable natives.

475. In regard to squatting, how would you prevent it?—I would inflict a fine on any proprietor allowing more than two squatters on his place, besides his servants. I would have a very heavy penalty provided.

476. Do you think such a law would be palatable on the frontier?—Decidedly: and then your police would be more effective. Your police would be able to act then; but, at present, some proprietors of land make a good deal of money by this squatting, and the whole of the country, forty or fifty miles round, pays the tax.

477. Mr. *Reitz*.] Are there more Fingoes than Kafirs in the service of the colonists?—I should think not,—more Kafirs and other natives.

478. Then the famine which you have described has been to the advantage of the colony in as far as the supply of labour is concerned?—I think that is very questionable.

479. Do you think that the Hottentots or Bastards, in the event of a war with the Kafirs, would still sympathize with the Kafirs?—Judging from the past, if that be worth notice, I should say that their sympathies lie more with the natives than with Europeans of any kind.

480. But, even sympathizing with them, do you think they would join them?—Yes, judging from the past.

481. I mean, judging from what has taken place since what happened at Kat River?—I have seen nothing to lead me to a contrary conclusion.

Mr. *Wood*.

16th July,
1863.

Mr. Wood.

16th July,
1863.

482. After what they have suffered since the experience they have had as to the result of their conduct, do you think they would still be induced to join?—I think so, and am borne out, I believe, by the history of their country.

483. With regard to squatting, how would you define it?—I take a squatter to be an individual living on a farm without having any reasonable means of subsistence.

484. You would allow a man to let his place to as many tenants as he chooses, I suppose?—Yes, provided these tenants could satisfy the field-cornet or any other Government officer in authority that they were in a position to support themselves by honest industry.

485. You would have the tenant satisfy him, not the master?—Yes.

486. But you would fine the proprietor?—Yes.

487. When the natives are collected in locations, which you say are places for receiving stolen goods, are they not more easily watched than they would be if separated?—I think not. I may be allowed to add a remark in reference to what I heard stated by Mr. Cawood as to Kafir fines. He is correct, but not quite. The law is this: when a Kafir steals another's property and it is found, he has to give two for one; if he steals it and eats it and cannot return it, then he has to pay ten for one; if he is too poor, he forfeits his life by having a tree split and his head put in it or cut off. I mention this to show that stealing amongst the Kafirs is not considered a light matter.

488. *Chairman*] What is your opinion with regard to the punishment at present inflicted for cattle and sheep-stealing?—I think that it is by no means calculated to check the stealing propensities of the natives. Firstly, when they are apprehended and tried, the punishment is very often not more than would be inflicted on a policeman for taking up a Fingo on suspicion. If, therefore, you want to awe the native, corporal punishment should, I think, be resorted to, and some longer period of confinement added. If this service could be performed in the western districts, it would have a salutary effect on the minds of the Kafirs.

APPENDIX.

[A.]

To the Honourable the President and Members of the Legislative Council.

The Petition of the Undersigned, Farmers of the Bedford District,
HUMBLY SHOWETH,—

That your petitioners, being farmers, have suffered, and are now suffering, severely from heavy losses in sheep and large cattle, through the unparalleled depredations of Kafirs and other natives.

That it is impossible for us to state the full extent of those losses; but that your petitioners are able to affirm that thirty-nine farmers, who attended a meeting in Bedford have, during the last eighteen months, been losers of no less than 43 horses, 136 head of cattle, 3,397 sheep, 457 goats, the value of which is estimated at about £3,870 10s.

That your petitioners have been, and still are, harassed in body and mind by the insecurity of their property, and the active though ineffectual efforts they are obliged to make to protect their possessions; in which work your petitioners humbly submit that they have not been adequately assisted by Government.

Your petitioners are of opinion that a great deal of thieving is owing to the leniency shown by the judges and magistrates in administering the law, many cases having recently occurred where the thief has only received three months' imprisonment for sheep-stealing.

Petitioners would respectfully suggest that the punishment should be increased, and that the most effectual way in which the Government could repress the evil is to authorize the magistrate to inflict corporal punishment and spare diet.

That your petitioners hope that whatever decision your Honourable House comes to on this subject, your Honourable House will not overlook the interest of that part of the community upon whose welfare the welfare of the colony depends.

And your petitioners, as in duty bound, will ever pray.

Francis King, F C

George King

J H Featherstone

J Dixie

Philip Dixie

C F Pohl

W H Hockly

Thomas Trollip

W M Yellen

T L Jordaan

J C Nel

H Mint

T J Muller

H G Mare

J Z de Klerk

J D van Fenter

P B Büys

C B Trollip

Johannes Geyer
 F J van Aardt
 C W Brole
 J P Jordaan
 W S Robinson
 W A Nel
 A S Botha
 F du Ploy
 J Smit
 P S Marais
 P T Mare
 W Marais
 J D van Niekerk
 P W van Pier
 A C Lombard
 J C de Klerk

D J Hockly
 Robert P Ainslie
 John Fuller
 Stephanus Cloete
 R Featherstone
 C P F Marais
 T C de Klerk
 P J J Swart
 J G Marais
 J W Wolmaran
 J J Botha
 B J de Klerk
 C B P Meyer, F C
 C F Goozen
 B J van Aardt

[B.]

To the President and Members of the Legislative Council of the
 Cape of Good Hope in Parliament assembled.

The Petition of the Undersigned, Landholders and Farmers in the
 District of Fort Beaufort,

HUMBLY SHOWETH,—

That your memorialists have of late been, and still are, suffering severely through the heavy and constantly recurring losses sustained in the thefts of sheep and cattle by the natives, both in the colony and beyond its border.

That these losses are not only numerous, but of large monetary value, as a few instances will show. Mr. W. F. Pohl, of Welcome Home, in February lost 58 wethers, valued at eighteen shillings sterling each, and in March 75 thoroughbred sheep, valued at seven pounds ten shillings sterling each, the choice of which would not have been sold by the owner for thirty pounds each. Mr. George Gilbert, of Stoney Vale, lost 140 full-grown wethers, valued at eighteen shillings each, just ready for shearing, having the previous day been washed for that purpose. Mr. George Stokes lost 60 lambs, just weaned. Mr. Booth lost 156 sheep, 20 of which were eventually found in one of the Fingo settlements. Mr. Ayliff lost 64, none of which have ever been heard of. Mr. Cross, of Windsor, lost 75 sheep and 35 goats.

These are only a few cases which may be adduced to show the extent to which thieving is carried on, without reference to the daily losses sustained in small lots of from one to ten, which, going so regularly, are hardly mentioned as thefts, but begin to be looked

upon as part of a system of farming which one is obliged to adopt, and in many cases, if even detected, the culprit is allowed to go unpunished, from the trifling character of the sentence given by the magistrate, and the risk of further loss through the absence of the farmer from home.

Your petitioners would respectfully observe that this state of things is, to a great extent, attributable to a few leading causes, which, in our humble opinion, are the following:

1st. The unlimited licence to ramble which the certificate of citizenship gives to the native, the possession of which gives the holder the right to roam the country in any direction and under the most frivolous pretences, "none daring," at their peril, to interfere with him.

2nd. The absence of so large a portion of the Mounted Police Force on the frontier, through whose vigilance and the energy of its officers the country was, during their presence amongst us, so free from thefts of sheep and cattle.

3rd. The lightness of the sentences passed by the judges on circuit, many cases having been tried before their lordships where only a few months' punishment has been awarded for sheep-stealing.

4th. The absence of all fear of consequences following on detection as well as all disgrace connected with being in gaol, it being a common saying with both Kafirs and Fingoes, "*Tronk is lekker.*"

And your memorialists would further pray that, as a means of bringing about a diminution of such common crime, a change of the system of punishment and of prison discipline may be effected, and would respectfully suggest the following for your consideration:

1st. Corporal punishment.

2nd. The adoption of a tread-mill, which might be used as a means of raising water, and contributing to the support of the gaol establishment.

3rd. That, if practicable, arrangements be made with the authorities of the Mauritius for receiving our sheep-stealers as free labourers.

This, your memorialists consider, would put a stop to the common practice of sheep-stealing, and, while contributing to the safety of life and property in the colony, would minister to the comfort and well-being of the natives, whose licence, as at present enjoyed, is leading them on to certain ruin, and the country to bloodshed.

And your petitioners, as in duty bound, will ever pray.

	Representing
R J Painter,	4,000 morgen of land.
Gilbert Wm Ayton,	3,251 ,,
Charles F Blakeway	
Edwin J Painter	
F W Pohl,	4,895 ,,
J H Potgieter	

S W Pedlar		
J Cross		
J W Pohl		Representing
William Ayliff	4,700	morgen of land.
J Mildenhall,	1,640	"
Benjamin Booth	2,520	"
John Blakeway,	3,100	"
R Blakeway		
M J Blakeway		
H Ross		
J W Bovey		
Thos Niland,	5,600	"
Francis Heigan		
W Andrews, jun		
W Andrews		
J Francis		
C E Pohl		
J T Pohl,	6,252	"
G A Raubenheimer,	4,200	"
Charles F Pohl		
J Buzuidenhout		
W H Warren		
John Warren		
E C Robertson		
W H Pedlar,	3,290	"
George H Pedlar		
John Ayton,	2,000	"
J C Dupree,	1,250	"
W Gilbert,	2,520	"
J Nel		
W Nel		
John Comley, sen,	2,888	"
John Comley, jun,		
George Ayton,	3,360	"
D C J Fitzwilliams		
George Gilbert,	2,520	"
J D Ingram		
J A Morgan		
John Dell,	1,584	"
John Ogilvie,	2,250	"

[C.]

To the Honourable the Legislative Council of the Cape of Good Hope.

The Petition of the Undersigned Landowners, Farmers, and others of the District of Albany,

HUMBLY SHOWETH,—

That for some time past thefts of stock of all kinds have increased

to an alarming extent, partly by native herds, and likewise in a great measure by vagrants and holders of certificates (both Kafirs and Fingoes), who, in many cases, boldly take their plunder along the highway, defying inquiry.

Your petitioners would represent, both from their own knowledge and also from common report, that owing to the trouble and expense of prosecution, the farmer is in a great many cases obliged to let these and other offences pass unpunished.

Petitioners would likewise represent, as their opinion, that the slight sentences inflicted by the judges and magistrates tend greatly to increase the number of thefts committed, and that the one or two years' imprisonment inflicted by the former or the two or three months by the latter, with *so-called* hard labour, is virtually no punishment at all, the convict being at the same time supplied with rations superior to what is given to either the British soldier or the free labourer.

Your petitioners are of opinion that in the case of natives, Indian or Kafir corn (the food they are accustomed to) should be substituted for bread, thus saving a considerable sum yearly to the colonial treasury; and would at the same time respectfully pray your Honourable Council to pass a law, introducing the more frequent infliction of corporal punishment or spare diet, either of which, your petitioners are firmly of opinion, would act as a *real* punishment, and therefore tend to the suppression of crimes and offences which are becoming unbearable.

And petitioners, as in duty bound, will ever pray.

Robert D'Oyly	S J D Mynhardt
N Lake	M J Bouwer
J Lake	John R Wilmot
T Lake	Joseph Edward Wilmot
George Pike	J H Bouwer
S Flanigan	Wm Nicol
Adam McMurray	F W Barber
Richard H Daniell	J W Bowker
W H Daniell	F H Barber
S E Duffey	John W Robey
L H Nichols	W Lanham
W H U Duffey	J M Cooke
Hy Nosworthy	H P Plante
S S Nosworthy	J Pohl
T Nosworthy	G W Parr
C Rippon	S Wilmot
George Clack	E J Wilmot
Wm Roe, ✕ his mark	R Street

[D]

To the Honourable the President and Members of the Legislative Council.

The Memorial of the Undersigned, Landholders and others of the Division of Fort Peddie,

HUMBLY SHOWETH,—

That your memorialists have been, and still are, suffering through the heavy and constantly recurring losses sustained in the thefts of cattle, sheep, &c., by the natives, both in the colony and beyond its border. That these losses are numerous and of large amount. That it is impossible for us to state the full extent of them, but that thirteen farmers who attended a meeting in Peddie have, during the last twelve months, been losers of no less than four horses, sixteen head of cattle, four hundred and seven sheep, and forty-four goats, the value of which is estimated at about £530. These are only thirteen out of one hundred and twenty-six of the farming population of Peddie, and your memorialists allowing one fourth of the number of stock lost for those who could not attend the meeting, will give about eight horses, thirty-three cattle, eight hundred and seventy-five sheep, and ninety-four goats, of the estimated value of £1,142.

Your petitioners would respectfully observe that this state of things is, to a great extent, owing to a few leading causes, which, in their humble opinion, are as follows:

1. The unlimited licence given to holders of certificates of citizenship, whereby they can roam about the country, none daring of their peril to interfere with them, by which they can appropriate the property of the farmers. This, under the pass system, could not have been done.

2. In the abuse of the pass system, in granting passes to natives under the most frivolous pretences, both in the colony and beyond the border.

3. The lightness of the sentences passed by the judges on circuit, many cases having been tried before their lordships where only a few months' punishment have been awarded for sheep-stealing.

4. The absence of all fear of consequences following detection, as well as all disgrace connected with being in gaol.

5. That owing to the border police not being allowed to cross into British Kaffraria, the difficulty of detection is increased. And

Lastly. That provisions given to prisoners are better, both in quality and quantity, than what is supplied to Her Majesty's troops.

And your memorialists would further pray that, as a means of bringing about a diminution of such common crime, a change in the system of punishment and of prison discipline may be effected, and would humbly propose the following to your notice:

1. Corporal punishment, spare diet, and solitary confinement.

2. The cancelling of all certificates of citizenship on conviction of theft.

3. That certificates of citizenship be confined to the district in which such holder may reside.

4. That holders of certificates of citizenship be not allowed to pass with stock from one place to another, unless with a special pass, giving full description of such cattle or sheep, &c., in their possession.

Your memorialists humbly submit that the practice of lending certificates of citizenship, now so prevalent for the purpose of theft, would be put a stop to by cancelling them on conviction.

That your memorialists, looking at it in a commercial point of view, find that a native who steals ten, twenty, or thirty sheep or goats, and only gets three months' imprisonment, with very little work and plenty of good food, is far better off than if he had served with a master for six, twelve, or eighteen months for the same.

Your memorialists would further state that thefts of stock of tens, twenties, and more, take place through the assistance of certificates of citizenship, and are got away with and re-marked, making it impossible to recognize them.

Your memorialists humbly hope that your Honourable House will take their case into consideration.

And your memorialists, as in duty bound, will ever pray.

Paul Timm

C J Kidwell

S Goosen

G Orsmond

J F Naude

John Forrester

James Forrester

G M van Rooyen

J D Nel

A H Ferriera

James Usher, jun.

John Usher, sen.

Henry Usher

John Usher, jun.

James Usher

J J Koekemoer

J F Mynhardt

J D Naude

J F Naude

J A Nel

J M. Mynhardt

G P C Bezuedenhout

S P Naude

J Castely

W Norval

John Ashdown

G A Hattingh

D J Hattingh

G Goosen

John Sutton

J Stirk

P Powell

G Stirk

T Elliott

John Brent

John Elliott

John Bradfield

Thomas Hall

George Harrison

W Tar

[E]

Act No. 27, 1857, Section XI.

This Act shall not extend to the existing or any future contracts of service, entered into, or to be entered into, in this colony, by Kafirs or other native foreigners who shall be already in this colony at the time of the taking effect of this Act; which contract may lawfully be made, precisely as if this Act had not been passed: Provided, however, that every such Kafir may, if so disposed, enter into contract of service for any period not exceeding five years: Provided, also, that every such Kafir or other native foreigner shall be supplied with a pass, signed by some magistrate or functionary as aforesaid, which pass shall be in such form as the Governor of this colony shall approve of and direct; and which pass shall serve in place and stead of the pass mentioned in the second section of the Ordinance No. 49.

[F]

Message from His Excellency the Governor to the Honourable the Legislative Council.

P. E. WODEHOUSE, Governor.

Message No. 14.

The Governor acknowledges the receipt of an address from the Honourable Council relative to the issue of passes and certificates of citizenship, and transmits, for their information, copies of the instructions on the subject of the latter, issued after the last session of Parliament.

He cannot hope for any beneficial result from the introduction of a Bill dealing with these important and intricate questions at this advanced period of the session. But it will afford him much satisfaction if, in the next session, it should be found practicable to provide a just and effective remedy for any abuses that may be ascertained to prevail in respect to either passes or certificates of citizenship.

Government-house, 20th July, 1863.

CIRCULAR.—(No. 43 of 1862.)

Issue of Certificates of Citizenship Restricted.

Colonial Office, 15th September, 1862.

SIR,—I am directed by His Excellency the Governor to transmit to you the accompanying copy of a circular addressed to persons who have been authorized to issue certificates of citizenship under the Act No. 24 of 1857, intimating His Excellency's opinion that circumstances no longer require that others than

certain stipendiary functionaries of the Government should be employed in carrying out the provisions of that Act, and that consequently a notice will be published in the *Gazette* revoking all appointments under the Act, excepting those of resident magistrates and superintendents of native locations.

In accordance with the concluding portion of the enclosed circular, you will obtain from all such persons in your district any blank certificates which may be in their possession.

CIRCULAR.—(Separate.)—1862.

Certificates of Citizenship.

Colonial Office, 15th September, 1862.

SIR,—His Excellency the Governor having had under consideration the provisions of the Act No. 24 of 1857, under which certificates of citizenship are granted on certain conditions to Fingoes and other native foreigners, is of opinion that the time is arrived when it is no longer necessary for the convenience of the public to impose upon any but the resident magistrates and superintendents of native locations the trouble of issuing and registering these certificates. He has therefore directed a notice to be issued that for the future such certificates will only be issued by the aforesaid functionaries, and you are requested to return to the resident magistrate of your district all blank forms of certificates that may remain in your possession.

GOVERNMENT NOTICE.—No. 298, 1862.

Colonial Office, Cape of Good Hope,
2nd October, 1862.

His Excellency the Governor directs it to be notified for general information, that from the present date certificates of citizenship to Fingoes and other native foreigners, under the Act No. 24 of 1857, will be issued only by resident magistrates, by the Tambookie agent and his clerk, and by the superintendents of the following native locations, namely:

Fingo location in Fort Beaufort, Fingo location in Victoria East, Fingo location in Peddie, Fingo location in Queen's Town, native location at Wittebergen,—and by no other persons.



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